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March 1994

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
March 21, 1994

Meeting convenes at 10:00 a.m., Monday, March 21, 1994, in the fourth floor conference room.

Rep. Jim Meyer
Public Participation

Economy Solar Corp.-Contested Case Appeal (Item #17)

10:15
10:30 a.m.
11:00 a.m.

APPOINTMENTS: *Item 18-B Advanced Technologies Corp.*

1:00 p.m.

Item 18 C + D - American Asbestos Training and Economy Solar Corp.

1:20 p.m.

Item 18 F - Giese Construction Co.

1:50 p.m.

Item 18E - Farmers Hybrid Companies, Inc.

2:20 p.m.

1. Approve Agenda. *Item 18-A Waterloo Comm. School District*

2:45 p.m.

2. Approve Minutes of February 21, 1994.

3. Monthly Financial Status Report. (Kuhn) Information.

4. By-product and Waste Search Service (BAWSS) Contracts. (Kuhn) Decision.

5. Contract Amendment - Spring 1994 Toxic Cleanup Days. (Kuhn) Decision.

6. Section 319 Nonpoint Pollution Control Project Contracts. (Kuhn) Decision.

7. Landfill Alternatives Grant Contracts. (Hay) Decision.

8. Final Rule--Chapter 209, Landfill Alternatives Financial Assistance Program. (Hay) Decision.

9. Monthly Reports. (Stokes) Information.

10. Notice of Intended Action--Chapter 72, Floodplain Development - Protected Streams Variance Criteria. (Stokes) Decision.

11. Proposed Rule--Chapter 61, Water Quality Standards - Numeric Water Quality Criteria. (Stokes) Information.

12. Proposed Rule--Chapter 81, Water Supply System and Wastewater Treatment Plants. (Stokes) Information.

13. Notice of Termination--Chapter 22, Air Construction Permit Exemptions. (Stokes) Decision.

- 14. Final Rule--Chapter 108, Beneficial Reuse of Foundry Sand. (Stokes) Decision.**
- 15. Final Rule--Chapter 100 and 103, Solid Waste Rules. (Stokes) (Decision).**
- ~~16. Notice of Intended Action--Chapter 22, Voluntary Operating Permits. (Stokes) Decision~~**
- 17. Proposed Contested Case Decision Appeal--Economy Solar Corp. (Stokes) Decision.**
- 18. Referrals to the Attorney General. (Stokes) Decision.**
 - a) Waterloo Community School District - Air Quality**
 - b) Advanced Technologies Corporation (Cedar Falls) - Air Quality**
 - c) American Asbestos Training Center, Ltd. (Monticello) - Air Quality**
 - d) Economy Solar Corp. (Springville) - Air Quality**
 - e) Farmer's Hybrid Companies, Inc. - Water Quality**
 - f) Giese Construction Company (Ft. Dodge) - Flood Plain/Water Quality**
 - g) Don Carlson, d/b/a Carlson Oil Co. (Armstrong) - Underground Tanks**
 - h) Louis Saak, d/b/a Saak Oil Co. (Baxter) - Underground Tanks**
 - i) William Hatch, d/b/a R & R One Stop (Central City) - Underground Tanks.**
 - j) K-Service, Inc.; James, Jay and Mary Ellen Kirkendall (Sloan) - Underground Tanks..**
- 19. General Discussion**
- 20 Address Items for Next Meeting**

NEXT MEETINGS:

April 18, 1994

May 16, 1994

June 20, 1994

APPOINTMENTS (to be added to agenda):

Representative Jim Meyer (Protected Streams Rule) 10:15 a.m.

Economy Solar Corp. - Contested Case Appeal (Item #17) 11:00 a.m.

Advanced Technologies Corp. (ITEM 18-b) 1:00 p.m.

~~American Asbestos Training (ITEM 18-c) and~~
Economy Solar Corp. (ITEM 18-d) 1:20 p.m.

Waterloo Community School District (ITEM 18-a) 1:40 p.m.

Giese Construction Company (ITEM 18-f) 1:50 p.m.

Farmers Hybrid Companies, Inc. (ITEM 18-e) 2:20 p.m.

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 21, 1994

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Mike McNarney Lee Newspapers - Des Moines

PAUL HUGHES AMERICAN ASBESTOS TRAINING CTR. - MONTICELLO, IA

HARRIS SEIDEL JOINT OPERATOR CERTIFICATION COMMITTEE
KEN RASCH IOWA LAND IMPROVEMENT CONTRACTORS ASSOC

John Green CITY OF SIOUX CITY, SIOUX CITY, IA.

Wayne Towers Des Moines La LICA.

Jeff C. Inteleksen Economy Solar Corp C.R. Ia.

KENT WALSH " " " "

Steve L Morrissey H " " CR IA

Rick Clark " " " CR, IA

Matt Camp " " " CR, IA

Michael Johnson " " " Bett. IA

Robert P. Harwin " " " C.R. IA.

Jeffrey P. Devaney " " " MARION, IA

Mark A. Phillips " " " Anemora, Ia

Brett Hasler " " " Anemora IA

Steve Henning " " " Cedar Rapids, IA.

Joseph Rindat " " " Marion, IA

Michael J. White American Asbestos Training Center Ltd Monticello IA.

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 21, 1994

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
MELODY FALER	CARGILL INC	EDDYVILLE
DANNY VEST	GROWMARK, INC.	BLOOMINGTON, IL.
Maynard Jayne	Iowa Cattlemen	Ames
Stephen Intlekofel	American Asbestos TRAINING Ctr. Inc.	Monticello &
David Thompson	Thompson Environmental Costly	WDM
Christina Gault	Farm Bureau	WDSM
Ann Couch	Sullivan & Ward	DM
Russell Edding	State Rep.	Storm Lake
Angela H. Dreiner	State Rep.	Keota
John Greig	State Rep	Estherville
Michael R Buckantz	EAST	Bettendorf
Pam Neely	Northwestern Natural Gas	Des Moines
Jane McAllister	Ahlens Law Firm	Des Moines
Rick Kelley	UHL	DM
Doug Rushing	MONSANTO	DM
Cindy Hildebrand	Iowa Audubon Council	Ames
Scott Young	Sarith Gil	KC
MIKE LLEWELLYN	ADVANCED TECHNOLOGIES	CEDAR FALLS

ENVIRONMENTAL PROTECTION COMMISSION

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Jack Fitzgerald	Waterloo Schools	Waterloo
John Rieger	Waterloo Schools	Waterloo
William D. Dine	ERSE CONSTRUCTCO	Fort Dodge
JOE NETTLETON	SALSBURY CHEMICALS	CHARLES CITY
Linda Kading	Iowa Assoc of Municipal Utilities	Des Moines
Bruce E. Barnard	FARMERS STORE	W. Des Moines

RECORD COPY EPC Meeting
File Name ADM-1-1-1 March 1994
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MARCH 21, 1994

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES**CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, March 21, 1994, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Gary Priebe
Nancylee Siebenmann, Secretary
Clark Yeager, Vice-Chairperson

ADOPTION OF AGENDA

The following appointments were added to the agenda:

- | | |
|---|------------|
| • Representative Jim Meyer (Protected Streams rules) | 10:15 a.m. |
| • Economy Solar Corp. (Item #17) | 11:00 a.m. |
| • Advanced Technologies Corp (Item 18b) | 1:00 p.m. |
| • American Asbestos Training (Item 18c) and
Economy Solar Corp. (Item 18d) | 1:20 p.m. |
| • Waterloo Community School District (Item 18a) | 1:40 p.m. |
| • Giese Construction Company (Item 18f) | 1:50 p.m. |
| • Farmers Hybrid Companies, Inc. (Item 18e) | 2:20 p.m. |

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS AMENDED

COMMISSIONER APPOINTMENT - KATHRYN MURPHY

Chairperson Hartsuck announced that Kathryn Murphy of LeMars has been appointed to the Commission and is awaiting confirmation by the Senate. She will complete the unexpired term vacated by Margaret Prah.

Chairperson Hartsuck mentioned that William Ehm attended on a meeting held last week with legislators regarding the protected streams rules, and he will report on that meeting when Item #10 is taken up.

APPROVAL OF MINUTES

Motion was made by Charlotte Mohr to approve the meeting minutes of February 21, 1994, as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the division level expenditure status report as of February 28, 1994. There are no significant changes as compared to reports and related information provided at the previous EPC meeting. Staff will be available to answer related questions.

IOWA DEPARTMENT OF NATURAL RESOURCES
Division Expenditure Status Report, Feb. 28, 1994

Director's Office

EXPENSE	FY94 BUDGET	YTD BUDGET Feb. 28, 1994	YTD ACTUAL Feb. 28, 1994	UNDER(OVER) BUDGET
PERS SERV	993,316	645,655	612,789	32,866
PERS TRV IN	52,150	30,403	18,582	11,821
STATE VEHICL	8,431	5,623	2,728	2,895
DEPRECIATION	12,450	8,304	5,135	3,169
PERS TRV OUT	8,900	5,189	4,140	1,049
OFF SUPPLY	89,050	51,916	60,877	(8,961)
FAC MAINT SU	3,000	1,749	752	997
EQUIP MAINT	6,850	3,994	2,833	1,161
OTHER SUPPLY	57,150	33,318	27,888	5,430
PRINT & BIND	312,431	182,147	184,563	(2,416)
UNIFORMS	800	466	306	160
COMMUNICATIO	29,100	16,965	11,916	5,049
RENTALS	500	292	306	(15)
UTILITIES	750	437	124	313
PROF SERV	110,216	55,108	56,571	(1,463)
OUTSIDE SERV	24,100	14,050	13,265	785
ADVER PUB	10,000	5,830	0	5,830
DATA PROC	14,050	8,191	3,003	5,188
REIMBURSEMENT	6,175	3,600	318	3,282
EQUIPMENT	33,817	16,909	20,580	(3,672)
OTHER EXP	2,600	1,516	0	1,516
Totals	1,775,836	1,091,664	1,026,676	64,988

Note: Additional amounts are encumbered for equipment & printing.
and contract printing.

Administrative Services Division

EXPENSE	FY94 BUDGET	YTD BUDGET Feb. 28, 1994	YTD ACTUAL Feb. 28, 1994	UNDER(OVER) BUDGET
PERS SERV	3,669,678	2,385,291	2,354,995	30,296
PERS TRV IN	53,550	31,220	23,303	7,917
STATE VEHICL	59,000	39,353	34,213	5,140
DEPRECIATION	80,500	53,694	45,310	8,384
PERS TRV OUT	7,300	4,256	4,784	(528)
OFF SUPPLY	315,255	183,794	201,351	(17,557)
FAC MAINT SU	21,000	12,243	16	12,227
EQUIP MAINT	52,000	30,316	33,404	(3,088)
OTHER SUPPLY	14,300	8,337	7,852	485
PRINT & BIND	14,500	8,454	12,406	(3,953)
UNIFORMS	2,500	1,458	1,444	14
COMMUNICATIO	93,100	54,277	53,697	580
RENTALS	500	292	22	270
UTILITIES	0	0	527	(527)
PROF SERVICES	0	0	6,821	(6,821)
OUTSIDE SERV	78,650	45,853	18,904	26,949
ADVER PUB	500	292	0	292
DATA PROC	91,700	53,461	114,334	(60,873)
AUDITOR REIM	150,000	87,450	80,784	6,666
REIMBURSMENT	118,150	68,881	63,986	4,895
EQUIPMENT	189,508	94,754	80,806	13,948
OTHER EXP	550,000	400,000	383,632	16,368
LICENSES	50	0	0	0
Totals	5,561,741	3,563,673	3,522,591	41,082

Note: Overage in Data Processing results from a lag in
distribution of ISD central service charges to programs.

Additional amounts encumbered for equipment purchases and
other minor items.

Parks, Preserves, and Recreation Division

EXPENSE	FY94 BUDGET	YTD BUDGET Feb. 28, 1994	YTD ACTUAL Feb. 28, 1994	UNDER(OVER) BUDGET
PERS SERV	4,452,081	2,893,853	2,843,919	49,934
SEASONAL HELP	1,175,473	764,057	829,584	(65,527)
PERS TRV IN	61,775	36,015	47,311	(11,296)
STATE VEHICL	202,800	135,268	155,129	(19,861)
DEPRECIATION	294,000	196,098	202,625	(6,527)
PERS TRV OUT	7,685	4,480	3,046	1,434
OFF SUPPLY	46,700	27,226	18,533	8,693
FAC MAINT SU	454,800	227,400	303,868	(76,468)
EQUIP MAINT	299,999	174,899	222,099	(47,200)
PROF SUPPLY	1,000	583	0	583
AG CONS SUPP	30,000	17,490	13,779	3,711
OTHER SUPPLY	42,994	25,066	17,222	7,844
PRINT & BIND	33,000	19,239	9,161	10,078
UNIFORMS	46,277	26,979	13,107	13,872
COMMUNICATIO	105,502	61,508	55,744	5,764
RENTALS	34,900	20,347	21,900	(1,553)
UTILITIES	390,951	227,924	266,895	(38,971)
PROF SERV	74,000	43,142	31,717	11,425
OUTSIDE SERV	185,352	108,060	122,243	(14,183)
ADVER PUB	2,550	1,487	568	919
DATA PROC	6,000	3,498	1,757	1,741
REIMBURSMENT	2,475	1,443	2,357	(914)
EQUIPMENT	152,378	76,189	116,935	(40,746)
OTHER EXP	4,700	2,740	1,312	1,428
LICENSES	697	406	432	(26)
Totals	8,108,089	5,095,397	5,301,243	(205,846)

Note: Budget overages are primarily a result of normal seasonal variation
in expenditures and larger than normal maintenance due to flood cleanup.
Additional amounts are obligated for purchase of equipment and facility maintenance.

Forests and Forestry Division

EXPENSE	FY94 BUDGET	YTD BUDGET Feb. 28, 1994	YTD ACTUAL Feb. 28, 1994	UNDER(OVER) BUDGET
PERS SERVICES	1,732,551	1,126,158	1,109,388	16,770
SEASONAL HELP	105,826	68,787	48,312	20,475
PERS TRV IN	44,500	25,944	19,923	6,021
STATE VEHICL	92,500	61,698	47,916	13,782
DEPRECIATION	139,700	93,180	89,045	4,135
PERS TRV OUT	8,800	5,130	2,495	2,635
OFF SUPPLY	20,300	11,835	11,495	340
FAC MAINT SU	44,000	25,652	35,016	(9,364)
EQUIP MAINT	57,000	33,231	27,449	5,782
PROF SUPPLY	500	292	0	292
AG CONS SUPP	129,000	75,207	104,260	(29,053)
OTHER SUPPLY	39,900	23,262	28,103	(4,841)
PRINT & BIND	15,500	9,037	4,560	4,477
UNIFORMS	16,100	9,386	3,445	5,941
COMMUNICATIO	43,669	25,459	18,947	6,512
RENTALS	35,000	20,405	11,012	9,393
UTILITIES	37,000	21,571	15,829	5,742
OUTSIDE SERV	77,000	44,891	23,172	21,719
ADVER PUB	1,000	583	376	207
DATA PROC	3,300	1,924	854	1,070
REIMBURSEMENT	550	321	297	24
EQUIPMENT	140,822	70,411	44,385	26,026
Totals	2,784,518	1,754,362	1,646,279	108,083

Note: Budget overage in "AG CONS SUPP" is primarily related to tree seed purchases in the fall and is normal. Additional amounts are obligated for equipment and facility maintenance purchases.

Energy and Geological Resources Division

EXPENSE	FY94 BUDGET	YTD BUDGET Feb. 28, 1994	YTD ACTUAL Feb. 28, 1994	UNDER(OVER) BUDGET
PERS SERV	2,390,834	1,554,042	1,476,889	77,153
PERS TRV IN	42,875	24,996	13,095	11,901
STATE VEHICL	20,850	13,907	9,524	4,383
DEPRECIATION	33,570	22,391	17,440	4,951
PERS TRV OUT	37,300	21,746	21,926	(180)
OFF SUPPLY	18,900	11,019	24,410	(13,391)
FAC MAINT SU	4,450	2,594	849	1,745
EQUIP MAINT	16,250	9,474	407	9,067
PROF SUPPLY	2,900	1,691	960	731
OTHER SUPPLY	41,850	24,399	12,044	12,355
PRINT & BIND	60,725	35,403	9,478	25,925
COMMUNICATIO	43,000	25,069	22,524	2,545
RENTALS	350	204	2,164	(1,960)
UTILITIES	13,500	7,871	9,870	(2,000)
PROF SERV	1,019,773	509,887	237,052	272,835
OUTSIDE SERV	39,075	22,781	8,085	14,696
ADV & PUBLICITY		0	244	(244)
DATA PROC	27,750	16,178	4,954	11,224
REIMBURSEMENT	7,390	4,308	2,566	1,742
EQUIPMENT	126,119	63,060	49,606	13,454
OTHER EXP	2,600	1,516	4,639	(3,123)
Totals	3,950,061	2,372,534	1,928,726	443,808

Note: The division is significantly under budget in Professional Services because several planned contracts for the Energy program have not been awarded yet, and because of slow billing of several other contractual obligations. Additional amounts are obligated for equip and professional services.

Environmental Protection Division

EXPENSE	FY94 BUDGET	YTD BUDGET Feb. 28, 1994	YTD ACTUAL Feb. 28, 1994	UNDER(OVER) BUDGET
PERS SERV	7,618,462	4,952,000	4,886,399	65,601
PERS TRV IN	84,800	49,438	28,239	21,199
STATE VEHICL	57,000	38,019	26,770	11,249
DEPRECIATION	65,000	43,355	41,375	1,980
PERS TRV OUT	101,202	59,001	39,085	19,916
OFF SUPPLY	74,500	43,434	49,019	(5,586)
FAC MAINT SU	5,600	3,265	229	3,036
EQUIP MAINT	14,200	8,279	5,497	2,782
PROF SUPPLY	21,350	12,447	0	12,447
OTHER SUPPLY	38,200	22,271	17,500	4,771
PRINT & BIND	41,250	24,049	29,472	(5,423)
UNIFORMS	3,500	2,041	1,478	563
COMMUNICATIO	134,800	78,588	77,574	1,014
RENTALS	66,700	38,886	39,299	(413)
UTILITIES	23,650	13,788	10,311	3,477
PROF SERV	2,099,648	1,049,824	739,323	310,501
OUTSIDE SERV	80,300	46,815	47,161	(346)
ADVER PUB	8,000	4,664	3,652	1,012
DATA PROC	251,200	146,450	66,049	80,401
REIMBURSEMENT	25,600	14,925	10,593	4,332
EQUIPMENT	446,093	223,047	62,654	160,393
OTHER EXP	9,500	5,539	8,650	(3,112)
Totals	11,261,055	6,874,584	6,181,679	692,905

Note: Professional Services is significantly under budget, primarily in the 319 water planning program. Additional amounts are obligated for equipment and printing.

Fish and Wildlife Division

EXPENSE	FY94 BUDGET	YTD BUDGET Feb. 28, 1994	YTD ACTUAL Feb. 28, 1994	UNDER(OVER) BUDGET
PERS SERV	11,572,522	7,522,139	7,556,787	(34,648)
SEASONAL HELP	755,530	491,095	403,189	87,906
PERS TRV IN	333,170	194,238	183,761	10,477
STATE VEHICL	464,936	310,112	351,359	(41,247)
DEPRECIATION	727,480	485,229	453,145	32,084
PERS TRV OUT	29,400	17,140	20,521	(3,381)
OFF SUPPLY	299,118	174,386	242,509	(68,123)
FAC MAINT SU	475,227	277,057	213,031	64,026
EQUIP MAINT	334,436	194,976	199,553	(4,577)
AG CONS SUPP	344,075	200,596	156,683	43,913
OTHER SUPPLY	96,607	56,322	69,589	(13,267)
PRINT & BIND	191,666	111,741	67,590	44,151
UNIFORMS	133,275	77,699	46,876	30,823
COMMUNICATIO	188,950	110,158	130,080	(19,922)
RENTALS	66,035	38,498	30,067	8,431
UTILITIES	214,716	125,179	120,791	4,388
PROF SERV	334,000	167,000	79,717	87,283
OUTSIDE SERV	121,912	71,075	97,557	(26,482)
ADVER PUB	23,000	13,409	592	12,817
DATA PROC	53,200	31,016	39,797	(8,781)
REIMBURSEMENT	158,450	92,376	30,224	62,152
EQUIPMENT	682,039	341,020	209,681	131,339
OTHER EXP	600	350	979	(629)
LICENSES	300	175	46	129
Totals	17,600,644	11,102,987	10,704,124	398,863

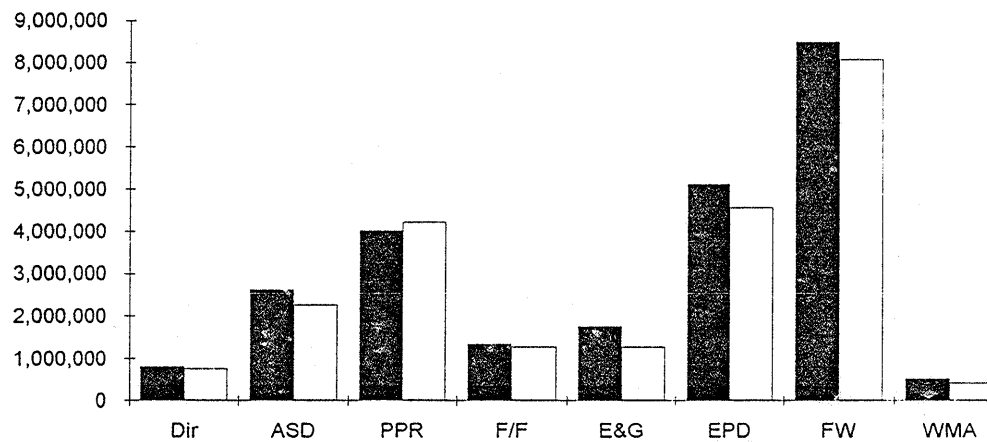
Note: Additional amounts are obligated for equipment purchases, printing and various maintenance categories.

IOWA DEPARTMENT OF NATURAL RESOURCES
Division Expenditure Status Report, Feb. 28, 1994

Waste Management Assistance Division

EXPENSE	FY94 BUDGET	YTD BUDGET Feb. 28, 1994	YTD ACTUAL Feb. 28, 1994	UNDER(OVER) BUDGET
PERS SERV	716,525	465,741	447,950	17,791
PERS TRV IN	28,200	16,441	12,378	4,063
PERS TRV OUT	47,270	27,558	12,034	15,524
OFF SUPPLY	6,679	3,894	3,492	402
EQUIP MAINT	950	554	0	554
OTHER SUPPLY	18,050	10,523	1,471	9,052
PRINT & BIND	81,794	47,686	17,103	30,583
COMMUNICATIO	20,660	12,045	7,351	4,694
RENTALS	0	0	798	(798)
PROF SERV	143,190	83,480	39,458	44,022
OUTSIDE SERV	9,140	5,329	6,759	(1,430)
DATA PROC	5,020	2,927	2,068	859
REIMBURSEMENT	16,950	9,882	5,902	3,980
EQUIPMENT	2,200	1,100	0	1,100
OTHER EXP	5,200	3,032	4,639	(1,607)
Totals	1,101,828	690,190	561,403	128,787

DNR Division Budget Status, February 28, 1994



Mr. Kuhn briefly explained the report.

Charlotte Mohr asked why the Director's Office is over budget on Office Supplies.

Mr. Kuhn stated that the Director's Office budget includes the Information & Education Bureau and the Legislative Liaison. He related that a major portion of these costs are for postage for the Iowa Conservationist magazine. Mr. Kuhn noted that he will provide more specific information on this next month.

INFORMATIONAL ONLY

BY-PRODUCT AND WASTE SEARCH SERVICE (BAWSS) CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission is requested to approve the following three contracts. The By-product and Waste Search Service (BAWSS) program is funded through the Department using solid waste tipping fees as established in Iowa Code 455B.310. This program facilitates waste exchanges from generator industries to other industries or recyclers that can use the waste material as a raw material. Applications for the grants were reviewed by representatives from the Department, the Department of Economic Development, and the Iowa Waste Reduction Center. Three projects were selected that exceed \$25,000. Approval is requested for the following projects:

- 1) Iowa Western Community College \$29,000
- 2) Kirkwood Community College \$50,000
- 3) Indian Hills Community College \$50,000

Attachments: 1) Iowa Western Community College Scope of Work and Budget
2) Kirkwood and Eastern Iowa Scope of Work and Budget
3) Indian Hills Community College Scope of Work and Budget

IOWA WESTERN COLLEGE

ARTICLE VI. SCOPE OF WORK

- 6.1. The Contractor shall provide adequate staffing, including a Iowa Western Community College BAWSS project representative at two-thirds time, a secretary at one-quarter time, and other necessary personnel time by the project director to successfully operate the waste exchange program and complete waste exchange activities in the region funded through this Contract.

- 6.2 The Contractor's activities shall include promoting the use of waste reduction, recycling and the BAWSS project to regional businesses and industries. This **will include, but not be limited to**, one-on-one education and interaction at business and industry sites, phone calls and other appropriate means.
- 6.3 The Contractor shall conduct active searches for generators and users of materials which ~~would otherwise be sent to landfills or kept in storage.~~
-
- 6.4 The Contractor shall facilitate matches of materials between generators and users. This **will include, but not be limited to**, identifying materials purchased and/or sent to landfills by companies through on-site visits and encouraging those companies to work with each other on possible transfer of material; and making phone calls to recyclers and generators of various materials and encouraging them to work with each other on the possible transfer of material.
- 6.5 The Contractor shall track and document all work (see "Reports and Other Documentation" Article 8).
-
- 6.6 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to the following: identifying/communicating with business personnel who operate recycling or materials collection centers or related industries; communicating with business and industry personnel with exemplary waste reduction and recycling programs and educating all interested parties about the waste exchange; and using resources explained and/or provided through workshops and meetings.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions about hazardous or potentially hazardous materials, IWRC staff should be consulted. Waste exchange Contractors are not responsible for nor should they become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor shall work cooperatively with the Department, IWRC and all Contractors and other non-funded participants in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (minimum of one from each region funded through the grant) in the training workshops and meetings; participation in telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).
- 6.9 The Contractor shall be required to meet with/educate community officials and other interested parties at economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for waste

reduction and recycling and the need for programs such as the BAWSS project and assist them in understanding the goals and benefits--both environmentally and economically--of the waste exchange, including its emphasis on the diversion of valuable materials from landfills and other disposal sites. The objective of these efforts is to secure their support for the BAWSS project and, as necessary to identify needs and accomplish diversion of materials from landfills and other disposal sites.

6.10 ~~The Contractor shall be required to educate business personnel and other interested parties about the IWRC, the Department's Waste Reduction Assistance Program, the Buy Recycled Campaign and other related programs as needed.~~

6.11 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to new markets (e.g., drum reconditioners who have never been researched by IWRC as to their handling procedures), the contractor shall be required to contact the IWRC.

6.12 The primary service area shall include counties in AREA XIII which are Harrison, Shelby, Pottawattamie, Case, Freemont, Mills, Page and Montgomery.

6.13 The Contractor shall conduct at least two education programs for industry. The Contractor's activities shall include promoting the use of waste reduction, recycling and the waste exchange project to regional business and industry. The Contractor may wish to feature representatives from business with the project region that have successful reduction, recycling or reuse programs, programs and resources that help business to reduce their waste stream, regional recycling markets and service providers, and waste haulers.

6.14 Approximately 150 industries shall be served through on-site visits and a minimum of two days per week shall be spent conducting on site visits and follow up calls. All manufacturers in the region will be served through phone contact. Informal waste audits or solid waste assessments shall be conducted whenever possible and the company shall be provided with a written description of the solid waste streams at the facility; quantities generated and cost estimates; description of the operations or processes that generate these wastes; sources for recycling and/or reusing of waste at or away from the facility; list of possible waste reduction areas and sources of assistance; and information needed to develop and implement a waste management program.

6.15 Periodic mailings will be sent to industry in the region to inform prospective businesses of the BAWSS program. Mailings will include an information letter about the BAWSS program and the BAWSS brochure. Each mailing will target a specific county or counties.

6.16 The Contractor shall write two one page case study success stories per that will be due with the second and third quarterly report. IWRC will provide content requirements.

- 6.17 The Contractor shall attend in entirety the Iowa Recycling Association annual conference and at least one other IRA meeting.
- 6.18 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.
-
- ~~6.19 The Contractor shall schedule six months in advance with WRAP and IWRC to participate in an on-site review with their programs.~~
- 6.20 The Contractor shall schedule nine on-site visits in the Contractor's region for the first quarter with Susan Salterberg, Gary Dill, and Kim Johnson each participating in three.
- 6.21 The BAWSS project representative for Iowa Western Community College shall supervise project administration to include: facilitating regional waste exchanges; completing and providing IWRC with the monthly report form; developing quarterly reports; developing quarterly or monthly claim vouchers as directed by the Department.
- 6.22 The Contractor shall strive to assist at least three companies with hazardous materials and actively work to transfer those materials for appropriate reuse.
-

IOWA WESTERN COMMUNITY COLLEGE

ATTACHMENT A

PAYMENT AGENT AND BUDGET

Payment made to:

Iowa Western Community College
2700 College Road Box 4-C
Council Bluffs, Iowa 61502

BUDGET

<u>Cost Description:</u>	<u>State Funds:</u>	<u>Matching Funds</u>
Salaries and Fringes for all employees:		
Project Director		<u>\$ 2,000</u>
Project Coordinator	<u>\$24,300.00</u>	
Project Secretary	<u>\$ 1,350.00</u>	<u>\$ 3,400</u>
Travel:		

On-site visits	<u>\$ 1,450.00</u>	<u>\$ 2,500</u>
Quarterly meetings conferences	<u>\$ 1,000.00</u>	
Communication		
Long-distance charges		<u>\$ 2,300</u>
Postage		<u>\$ 2,200</u>
Education/Training for Business and Industry	<u>\$ 900.00</u>	<u>\$11,000</u>
Office Supplies		<u>300</u>
Other (Misc. Administration costs, office space, etc.)		<u>\$ 1,300</u>
TOTAL	<u>\$29,000</u>	<u>\$25,000</u>

KIRKWOOD COMMUNITY COLLEGE

ARTICLE VI. SCOPE OF WORK

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1. The Contractor shall provide adequate staffing, including a Kirkwood Community College BAWSS project representative at full time and support staff at one-fourth time to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract.
- 6.2. The Contractor's activities shall include promoting the use of waste reduction, recycling and the waste exchange project to regional business and industry. These activities will include, but not be limited to, one-on-one education and interaction at business and industry sites, phone calls referrals to the IWRC and the Department's WRAP program and other appropriate means.
- 6.3. The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.4. The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to the following: identifying hazardous and non-hazardous materials purchased and/or sent to landfills or other disposal sites by companies through on-site visits, and encouraging those companies to work with each

other on possible transfer of material; and making phone calls to users, recyclers and generators of various hazardous and non-hazardous materials and encouraging them to work with each other on the possible transfer of material.

- 6.5 The Contractor shall track and document all work (see "Reports and Other Documentation" Article 8).

- ~~6.6 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to the following: identifying/communicating with business personnel who operate recycling or material collection centers or related industries; communicating with business and industry personnel with exemplary waste reduction and recycling programs and educating all interested parties about the waste exchange; and using resources explained and/or provided through workshops and meetings.~~

- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions on hazardous or potentially hazardous materials, IWRC staff should be consulted. Waste exchange Contractors are not responsible for nor should they become involved in hazardous waste determinations or related work, such as giving regulatory advice.

- 6.8 The Contractor shall work cooperatively with the Department, IWRC and all Contractors and other non-funded participants in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (minimum of one from each region funded through the grant) in the training workshops and meetings; participation in telenets (conference calls); communication with IWRC staff for technical assistance and on a monthly basis through reports; and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).

- 6.9 The Contractor shall be required to meet with/educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for waste reduction and recycling and the need for programs such as BAWSS and assist them in understanding the goals and benefits--both environmentally and economically--of the waste exchange, including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The objective of these efforts is to secure their support for the waste exchange and, as necessary, to identify needs and accomplish diversion of materials from landfills and other disposal sites.

- 6.10 The Contractor shall be required to educate business personnel and other interested parties about the IWRC, the Department's Waste Reduction Assistance Program, the Buy Recycled Campaign and other related programs as needed.

- 6.11 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to new markets (e.g., drum reconditioners who have never been researched by IWRC as to their handling procedures), the Contractor shall be required to contact the IWRC.
- 6.12 The Contractor shall conduct two half-day waste management workshops for businesses ~~that will incorporate some of the following agenda depending on the appropriateness for~~ the audience and time frame: representatives from business within the project region that have successful reduction, recycling or reuse programs, programs and resources that help business to reduce their waste stream, regional recycling markets and service providers, and waste haulers. Waste exchange services, waste reduction, and waste management priority issues will be covered.
- 6.13 The Contractor shall host one regional service provider roundtable forum to introduce waste exchange service providers to existing economic development service providers.
- 6.14 The Contractor shall have a goal of 225 industry visits for each year of this contract with a minimum of two days a week dedicated to on-site visits. Follow-up service will be provided as needed. A BAWSS brochure will be provided to all companies in the region ~~through onsite visits or by mailings.~~
- 6.15 The Contractor shall adequately publicize BAWSS and explain its services and provide information on its successes. The Contractor shall develop a BAWSS slide show and do 20 to 40 presentations during the project year serving Rotary Clubs, School Districts, Business Organizations, Existing Business Committees, State workshops and conferences, and Trade shows.
- 6.16 The primary service area for the Contractor shall include counties served by Kirkwood Community Colleges and limited service, including phone access and selected on-site visits to industries, shall be made available to Cedar, Benton, Iowa, Jones, Johnson, Linn, Washington, Tama, Poweshiek, Marshall, Hardin, Delaware and Dubuque.
- 6.17 The Contractor shall write three one-page case study success stories per year that will be due with the second and third quarterly report. IWRC will provide content requirements.
- 6.18 The Contractor shall attend in entirety the Iowa Recycling Association annual conference and at least one other IRA meeting.
- 6.19 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.
- 6.20 The Contractor shall strive to assist at least eight companies with hazardous materials and actively work to transfer those materials for appropriate reuse.

KIRKWOOD COMMUNITY COLLEGE**ATTACHMENT A****PAYMENT AGENT AND BUDGET**

Payment made to:

Kirkwood Community College
6301 Kirkwood Blvd. SW
P.O. Box 2068
Cedar Rapids, IA 52406

BUDGET

<u>Cost Description:</u>	<u>State Funds:</u>	<u>Matching Funds</u>
Salaries and Fringes for all employees:	<u>43,271</u>	<u>2,500</u> (In-kind)
Travel:	<u>3,700</u>	<u>2,000</u> (Cash-match)
Communication		
Telephone	<u>500</u>	
Postage	<u>100</u>	
Training/Group Meetings	<u>2,000</u>	
Facilities		<u>12,950</u> (In-kind)
Office Supplies		
Total:	<u>\$50,000</u>	<u>\$17,450</u>

INDIAN HILLS COMMUNITY COLLEGE**ARTICLE VI. SCOPE OF WORK**

The Contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

- 6.1 The Contractor shall provide adequate staffing, including one full-time BAWSS project representative and other necessary support personnel to successfully operate the waste exchange program and complete waste exchange activities in the regions funded through this Contract.
- 6.2 The Contractor's activities shall include promoting the use of waste reduction, recycling ~~and the waste exchange project to regional business and industry. These activities will include, but not be limited to,~~ one-on-one education and interaction at business and industry sites, phone calls referrals to the IWRC and the Department's WRAP program and other appropriate means.
- 6.3 The Contractor shall conduct active searches for generators and users of hazardous and non-hazardous materials which would otherwise be sent to landfills or kept in storage.
- 6.4 The Contractor shall facilitate matches of materials between generators and users. This will include, but not be limited to the following: identifying hazardous and non-hazardous materials purchased and/or sent to landfills or other disposal sites by companies through on-site visits, and encouraging those companies to work with each other on possible transfer of material; and making phone calls to users, recyclers and generators of various hazardous and non-hazardous materials and encouraging them to work with each other on the possible transfer of material.
- 6.5 The Contractor shall track and document all work (see "Reports and Other Documentation" Article 8).
- 6.6 The Contractor shall use available resources to facilitate the matching of generators with users. This will include, but not be limited to the following: identifying/communicating with business personnel who operate recycling or material collection centers or related industries; communicating with business and industry personnel with exemplary waste reduction and recycling programs and educating all interested parties about the waste exchange; and using resources explained and/or provided through workshops and meetings.
- 6.7 The Contractor shall facilitate matches of hazardous materials whenever possible. If the Contractor has any questions about the hazardous or potentially hazardous materials, IWRC staff should be consulted. Waste exchange Contractors are not responsible for nor should they become involved in hazardous waste determinations or related work, such as giving regulatory advice.
- 6.8 The Contractor shall work cooperatively with the Department, IWRC and all Contractors and other non-funded participants in the waste exchange program. This, in part, includes ongoing communication with all involved parties; participation by all Contractors (minimum of one from each region funded through the grant) in the training workshops and meetings; participation in telenets (conference calls); communication with IWRC

staff for technical assistance and on a monthly basis through reports: and quarterly progress reports to the Department and the IWRC (see "Reports and Other Documentation" Article VIII).

- 6.9 The Contractor shall be required to meet with/educate community officials and other interested parties such as economic development agencies, chambers of commerce, city and county government offices (including solid waste), and landfills about the need for ~~waste reduction and recycling and the need for programs such as BAWSS~~ and assist them in understanding the goals and benefits--both environmentally and economically--of the waste exchange, including its emphasis on the diversion of valuable non-hazardous and hazardous materials from landfills and other disposal sites. The objective of these efforts is to secure their support for the waste exchange and, as necessary, to identify needs and accomplish diversion of materials from landfills and other disposal sites.
- 6.10 The Contractor shall be required to educate business personnel and other interested parties about the IWRC, the Department's Waste Reduction Assistance Program, the Buy Recycled Campaign and other related programs as needed.
- 6.11 The Contractor shall be required to keep detailed information about all new markets identified (see "Reports and Other Documentation" Article VIII). Before referring generators of potentially hazardous materials to new markets (e.g., drum reconditioners who have never been researched by IWRC as to their handling procedures), the Contractor shall be required to contact the IWRC.
- 6.12 The Contractor shall serve twenty-five counties in merged community college regions XIV, XV, and XVI, plus Madison, Marion and Warren counties. All counties will be provided full service except for Adair, Adams, Montgomery, Ringold, Taylor, Union and Madison, which will receive phone referrals and educational programs.
- 6.13 The Contractor shall conduct at least two education programs for industry and other interested groups focusing on professional societies and local manufacturing groups during this year. The training will include appropriate topics for the groups to be served through concerning the waste exchange services, waste reduction and waste management priorities.
- 6.14 The Contractor shall have a goal of 350 industry visits for each year of this contract. Follow-up service will be provided as needed which may consist of 1 - 5 phone calls/items found for exchange. The waste exchange service will be provided to an additional 35 companies each year. A BAWSS brochure will be provided to all companies in the 25 county region through onsite visits or by mailings.
- 6.15 The Contractor shall write three one-page case study success stories per year that will be due with the second and third quarterly report. IWRC will provide content requirements.

- 6.16 The Contractor shall attend in entirety the Iowa Recycling Association annual conference and at least one other IRA meeting.
- 6.17 The Contractor shall strive to complete BAWSS initiated matches to transfer materials for reuse or recycling at a cost of \$50/ton or less.
- 6.18 The Contractor shall strive to assist at least eight companies with hazardous materials and ~~actively work to either find a better alternative for the company or transfer those~~ materials for appropriate reuse.

INDIAN HILLS COMMUNITY COLLEGEATTACHMENT APAYMENT AGENT AND BUDGET

Payment made to:

Indian Hills Community College

Attn.: Anne Johnston525 GrandviewOttumwa, IA 52501BUDGET

<u>Cost Description:</u>	<u>State Funds:</u>	<u>Matching Funds</u>
Salaries and Fringes for all employees:	\$ 43,712.00	\$ 5,299.00
Travel		
on-site visits	<u>2,500.00</u>	00.00
quarterly meetings and conferences	<u>400.00</u>	00.00
Office Supplies:	<u>600.00</u>	00.00
Subscriptions	<u>200.00</u>	00.00
Indirect Cost:	<u>2,588.00</u>	<u>14,896.00</u>
TOTAL	<u>\$ 50,000.00</u>	<u>\$21,815.00</u>

Mr. Kuhn reviewed each contract and budget for the BAWSS program.

Motion was made by William Ehm to approve the BAWSS contracts for Iowa Western Community College, Kirkwood Community College, and Indian Hills Community College as presented. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT AMENDMENT - SPRING 1994 TOXIC CLEANUP DAYS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The commission authorized the Director to implement a contract with Heritage Environmental Services for the purpose of disposal of waste collected at the toxic cleanup days for fiscal year 1994.

The original contract allowed a maximum of \$382,200 to sponsor toxic cleanup events for the Fall of 1993 in ten counties. The actual amount spent by the department for Fall events was \$196,771.46. The department has requested additional proposals from Iowa counties to host Spring of 1994 toxic cleanup events. The following eleven counties have been selected to host Spring events:

Hancock	Mills	Marshall
Ida	Taylor	Keokuk
Emmet	Page	Van Buren
Pottawattamie	Story	

The department recommends that contract 94-G340-01 be amended to include the eleven Spring toxic cleanup events at a total cost not to exceed \$435,515. This amount includes the remaining funds from the Spring collection. The requested amount also includes \$25,000 for unseen contingencies that must be approved at the department's discretion. The DNR has negotiated a local cost share with the counties. The commission is requested to authorize the Director to execute this amendment for Spring of 1994 toxic cleanup events.

CONTRACT AMENDMENT

This amendment covers changes in the Special Conditions of Contract 94-G340-01 between the **Iowa Department of Natural Resources and Heritage Environmental Services**. All parts of the Special Conditions that are not amended below and all parts of the General Conditions of this Contract shall continue to be in force throughout the Time of Performance.

1. **Amend Distribution Copies** by **adding** the following:

Copy 13: Hancock County
 Copy 14: Ida County
 Copy 15: Emmet County
 Copy 16: Pottawattamie County
 Copy 17: Marshall County
 Copy 18: Van Buren County

Copy 19: Mills County
 Copy 20: Taylor County
 Copy 21: Page County
 Copy 22: Story County
 Copy 23: SEMCO

2. **Amend Article I** by **adding**:

Additional Parties to this contract are: Taylor County Board of Supervisors, (hereinafter referred to as Taylor County), City of Council Bluffs and Pottawattamie County, (hereinafter referred to as Pottawattamie County), Marshalltown Area Chamber of Commerce, (hereinafter referred to as Marshall County), Mills County Emergency Management Agency, (hereinafter referred to as Mills County), Ames Resource Recovery System, (hereinafter referred to as Story County), Van Buren County Solid Waste Commission, (hereinafter referred to as Van Buren County), Ida County Board of Health, (hereinafter referred to as Ida County), Page County Board of Supervisors, (hereinafter referred to as Page County), Hancock County Board of Supervisors, (hereinafter referred to as Hancock County), Emmet County Health Department, (hereinafter referred to as Emmet County), Southeast Iowa Multi County Waste Agency, (hereinafter referred to as Keokuk County).

3. **Amend Article II** as follows:

Add to **Section 2.3 Key Personnel for Contract** the following:

Thomas Collins, Iowa Department of Natural Resources
Jim DeLozier, Taylor County Engineer Office
Donn Dierks, Council Bluffs Health Department
Kristin Bergmann, Marshalltown Area Chamber of Commerce
Vern Knudtson, Mills County Emergency Management Agency
Paul Wiegand, City of Ames
Sandra McLain, Van Buren County Extension Office
Richard Madsen, Ida County Board of Health
Jerry Abma, Page County Board of Supervisors
Sue Krantz, Hancock County Board of Supervisors
Terry Reekers, Emmet County Health Department
Ray Griffin, Southeast Iowa Multi County Waste Agency

4. **Amend Article VI** by **adding** the following:

April 30, 1994
 Hancock County
 Hancock County Fairgrounds

May 14, 1994
 Taylor County
 Taylor County Fairgrounds

Britt, IA

Bedford, IA

Ida County
County Landfill
Ida Grove, IA

Page County
Page County Fairgrounds
Clarinda, IA

Emmet County
~~Emmet County Fairgrounds~~
Estherville, IA

Story County
City Parking Lot
Ames, IA

May 7

May 21, 1994

Pottawattamie County
West Pottawattamie County Fairgrounds
Council Bluffs, IA

Marshall County
Central IA. Fairgrounds
Marshalltown, IA

Mills County
Mills County Fairgrounds
Malvern, IA

Keokuk County
Town Square
Richland, IA

Van Buren County
~~Van Buren Maintenance Building~~
Keosauqua, IA

5. Amend Article VIII as follows:

Change **Section 8.1 Funding** to read :

Pottawattamie County agrees to pay for the first \$15,625 of the cost of the service for the event in Pottawattamie County.

Marshall County agrees to pay for the first \$7,060 of the cost of the service for the event in Marshall County.

Hancock County agrees to pay for the first \$5,000 of the cost of the service for the event in Hancock County.

Van Buren County agrees to pay for the first \$1,500 of the cost of the service for the event in Van Buren County.

SEMCO Agency agrees to pay for the first \$10,000 of the cost of the service for the event in Keokuk County.

Emmet County agrees to pay for the first \$3,000 of the cost of the service for the event in Emmet County.

Ida County agrees to pay for the first \$700.00 of the cost of the service for the event in Ida County.

Story County agrees to pay for the first \$20,000 of the cost of the service for the event in Story County.

IDNR agrees to pay \$40,600 for the cost of the services for the event in Taylor County.

IDNR agrees to pay \$30,000 for the cost of the services for the event in Page County.

IDNR agrees to pay \$22,000 for the cost of the services for the event in Mills County.

Revise **Section 8.1 - N** language as follows, " The Department agrees to pay for the **remaining costs** of the service for the **Toxic Cleanup Days** held in the **Spring of 1994** in the counties of Pottawattamie, Marshall, Story, Van Buren, Ida, Hancock, Emmet and SEMCO counties, and **the total cost** of Taylor, Page and Mills counties at a total cost **not to exceed** \$410,515. The servicing of the additional Toxic Cleanup Days shall be on the same basis as set forth in the contract. The Department may also authorize the contractor to accept waste from counties other than those in the above specified events at the discretion of the department up to an **additional** \$25,000 for the rendering of these services. The maximum amount the Department agrees to pay at its **discretion** is \$435,515."

Mr. Kuhn reviewed that last July the Commission approved a contract with Heritage Environmental Services for the Fall Toxic Cleanup Days. At that time, he explained that staff would eventually request approval of an amendment to do the Spring TCD events.

Discussion followed regarding Heritage Environmental Services being underbudget as a result of their efficiency in packaging of waste materials.

Motion was made by William Ehm to approve the Contract Amendment with Heritage Environmental Services for Spring 1994 Toxic Cleanup Days, at a cost not to exceed \$435,515. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

SECTION 319 NONPOINT POLLUTION CONTROL PROJECT CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Commission approval is requested for a Section 319 Non-point Source Pollution Control contract with Iowa State University Extension for the amount of \$40,510. The contract would be for a one year period and would be funded using Section 319 funds awarded to the Department for this project.

Contract funds will be used to support a part-time Communications Specialist in the Union County Soil and Water Conservation District Office. The Communications Specialist will be responsible for best management practice promotion within the Three Mile Lake Watershed. Specific objectives of the 319-funded activities include the development of a coordinated BMP marketing strategy for the various agencies involved in the development and protection of Three Mile Lake, developing information and education materials, preparing a bimonthly newsletter, ~~and conducting news media and information outreach efforts.~~ Various other programs and associated funding are also being used for BMP implementation and the Communication Specialist provided for under this contract will work closely with those other programs in promoting BMP adoption. Three Mile Lake is being developed as a multi-purpose lake and adoption of BMP's within the watershed will preserve and protect the lake's water quality, insuring that lake will support the intended uses which include water supply and recreation.

Mr. Kuhn briefly explained each contract.

Discussion followed regarding the requirements for the Communications Specialist position and how an individual is selected for that position.

Motion was made by Rozanne King to approve the Section 319 Nonpoint Pollution Control Project Contract as presented. Seconded by William Ehm. Motion carried unanimously.

APPROVED AS PRESENTED

APPOINTMENT - REPRESENTATIVE JAMES MEYER (PROTECTED STREAMS RULES)

Representative James Meyer distributed the following comments regarding the Protected Streams Variance rules:

March 21, 1994

**COMMENT FOR ENVIRONMENTAL PROTECTION COMMISSION
PROTECTED STREAMS VARIANCE
SECTION 567-72.31 VARIANCE**

1. The decision to include an additional 131 streams in the Protected Status has caused extraordinary statewide concern.
2. This concern is based on several problems:
 - a. Governmental control of private property
 - b. Lack of trust in the D.N.R., (E.P.C.) and the future agenda

1. Filter strips
 2. Hydrological waters and control of tributary streams and tile lines
 3. Loss of ruminant water access of pasture ground
- c. The switch of justification for permit from E.P.C. to property owners
- d. The lack of problem with the present system. "Why do we need the rule?"
-

3. Options:

- a. Let the rules be enacted
 - b. Amend the rule by adding letter (d.) back to the variance criteria
 - c. Reconsider the decision to enact the rule change
 - d. Delay rule in Legislative Rules Committee until next legislative session
 - e. Pass nullification resolution in House & Senate
4. The procedure for reconsideration is the same as adding item (d.). Hearings are already planned.

Final Comment:

The future work of the D.N.R. is at stake. Property owners need to have equal say as the general public in use of private property.

Thank You,

Representative Jim Meyer

Representative Meyer expanded on each of the concerns outlined above. He discussed the options and strongly urged the Commission to consider Option C - to reconsider the decision to enact the rule change. He related that his second alternative would be Option E as a last resort, and he already has the resolution drawn up. He stated that there was some confusion following the meeting with DNR staff and Commissioners last week. He related that if the Commission reconsiders the rule, the same process would be in place as if they adopted rule (d.). Representative Meyer stated that the bottom line is that there is public concern about the relationship with the DNR. He added that there are a lot of people who are concerned about the relationship between property owners, recreational rights, and public sentiment. He stressed that equal concern should be given to the property owners as to the environment and the taking of property for public use.

Brief discussion followed regarding the Commission's lack of authority to require filter strips and that it would take legislative action to do so.

Chairperson Hartsuck pointed out that at Senator Priebe's request, staff have scheduled public hearings in the five congressional districts around the state. He noted that after the meeting with legislators last week, it was his understanding that the rule would be palatable if the department expanded the appeal procedure. He related that Commissioner Ehm will offer that type of amendment when the rules are taken up later today.

Charlotte Mohr stated that there are many unknowns abound and people did not completely understand the rules. She suggested that an explanation be included in the rule to address the hydrological waters and control of tributary streams and tile lines.

Representative Meyer responded that if the Commission chooses to go the amendment route, Commissioner Mohr's suggestion definitely should be included in the wording.

William Ehm asked Representative Meyer for clarification as to what he means when speaking of nullifying the rule, whether this would be for the 131 additional streams or for the entire rule.

Representative Meyer stated that that would be the Commission's option but any attempt to put streams in a protected status, considering the process already in force, is an unnecessary annoyance to the public.

Chairperson Hartsuck pointed out the following excerpt from the minutes of the February EPC meeting: "Senator Priebe added that he will not ask the department to withdraw the rules but would like to see them develop an appeal process during the next seventy days that the rules are delayed."

REPRESENTATIVE SANDRA GREINER (PROTECTED STREAMS RULES)

Representative Greiner stated that she has a very serious concern about scheduling public hearings in May because the people who are most concerned about these rules are farmers. She emphasized that May is planting month and she feels it is very inconsiderate to schedule public meetings at that time, and it could be very detrimental to good will.

Allan Stokes clarified that the public hearings are scheduled for five dates in April and all are scheduled for evening meetings, beginning at 7:00 p.m.

William Ehm commented that he is a farmer and is in agreement that May should be avoided, but if people really want to be there, they will be there whenever they are held.

REPRESENTATIVE JOHN GREIG (PROTECTED STREAMS RULES)

Representative John Greig addressed the Commission stating that he represents Emmet and Dickinson counties and both counties contain both forks of the Des Moines River which are going to be protected. Also, the Little Sioux flows several tributaries in Dickinson county. He related that he met with the supervisors of both counties several weeks ago they are very concerned as to how these rules will affect their drainage districts. He stated that if the

Commission would rescind the rules it would be very good for government as well as the private property owners.

PUBLIC PARTICIPATION

Chairperson Hartsuck announced Public Participation at 10:40 a.m. The following individuals requested to speak.

Kenneth Reiser (Protected Streams rules)

Kenneth Reiser, Land Improvement Contractors Association, stated that the contractors are trying to build goodwill in protecting the environment. He related that the contractors are the ones who are called to a site to give advice to the landowner, and they have to do their best to improve the public image so that they have a process that is logical and protects the streams as well. Mr. Reiser encouraged the Commission to handle the protected streams issue in such a manner that they will have harmony with the landowners.

Harris Seidel (Water Supply Systems rules)

Harris Seidel, Joint Operator Certification Committee, spoke in regard to Item 12, noting that Iowa has had certification or licensing of water and wastewater personnel since 1965. He related that it has been a tremendously successful program but the related rules have not been revised since 1983. He indicated that the proposed rules coming before the Commission are rather modest rule changes developed by a joint effort of people in the field and DNR staff. He commended the DNR staff for their excellent input and cooperation in the process.

PROPOSED CONTESTED CASE DECISION APPEAL--ECONOMY SOLAR CORP.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On March 25, 1993, the Department issued Administrative Order 93-AQ-07 to Economy Solar Corporation. That action directed the appellant to comply with air quality regulations for asbestos removal, including notification regulations, and to pay a penalty of \$100.00. That action was appealed and the matter proceeded to administrative hearing on November 18, 1993. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on January 27, 1994. The decision affirms the Department's Order.

Economy Solar Corp. has appealed this order to the Commission, and has also requested a rehearing. The Proposed Decision, and other pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting

your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Appointment - Jeff Intlekofer

Jeff Intlekofer, President of Economy Solar Corp., stated that his company is located in Cedar Rapids and they do asbestos removal work. He indicated that he is present today to ask the Commission to grant his company a rehearing on the Notice of Violation they received from DNR concerning a project at Penford Products. He stated that they are in disagreement about the interpretation of the law and pointed out that they take the industry very serious and try to abide by the laws. Mr. Intlekofer related that it is important to have a good reputation in the industry and he could lose a lot of work if convicted of these violations. He reiterated his request for a rehearing.

Mike Murphy stated that this matter involves the department's issuance of an Administrative Order in March 1993, for alleged deficiencies of asbestos removal in October 1992. The deficiencies were that the starting and completion dates of the demolition/renovation project were not included in their notice, and that the description of work to be performed and methods employed were inadequate. He related that the notice received by the department indicated the removal of 900 square feet of contaminated soil from Penford Products. There are regulatory thresholds of 260 linear feet or 160 square feet of asbestos material. Mr. Murphy noted that the company had received prior notice of violation regarding two prior notices that were deficient. Prior to the department running this program, the company received a number of notices from EPA. One major issue was the department's interpretation of a requirement that a notice be given 10 working days prior to the start of work. He explained that the company argued that work could begin on the tenth day, and the department argued that the regulation clearly states 10 days before the work begins. He related that EPA personnel testified to the fact that work cannot begin until the eleventh day. Mr. Murphy added that the company was possibly lulled into another interpretation merely because EPA did not notify them every time they gave that sort of notice. He added that DNR staff clearly gave the company notice of the 10 day requirement. He indicated that the notifications failed to include the starting and completion dates of the overall project. The ALJ found that that was a violation as well as the inadequate description of the project. The company asserted that the project did not meet the regulatory threshold of 160 square feet, and therefore they did not need to give notice and could not be held in violation. Mr. Murphy stated that the company's appeal to the Order admits there were deficiencies in the notice. He noted that the company did not raise the regulatory threshold issue in any of their filings or responses, adding that it was first raised at the hearing. He indicated that there is ample evidence in the record that asbestos had fallen off a pipe into the dirt of a crawl space and the company was billed for removal of 900 square feet of asbestos contaminated soil. He asked the Commission to affirm the ALJ decision.

Mr. Intlekofer displayed several large notebooks of notifications his company has given over the last five years since he has been in the asbestos removal business. He expanded on enforcement of the notifications and related that they assumed DNR's position would be similar to OSHA and

EPA. He related that they did not receive notice from DNR that there would be a change in the notification policy. He added that there is an interpretation problem because EPA and OSHA allowed them to work on the tenth day and DNR said the regulations state that work cannot begin until the eleventh day. He pointed out that of the company's 1600 projects completed, the percentage rate of violations is only 99.0046%. Mr. Intlekofer noted that he has implemented a policy of a 12 day counting period to make sure this does not happen again. He stated that there was not 900 square feet of contaminated soil removed and that was a clerical error. He related that he had indicated he would remove 40 linear feet of asbestos, adding that no samples of the soil were ever taken to determine that it was contaminated. He reiterated that he would welcome the opportunity for a rehearing.

A lengthy discussion of the issues followed.

Chairperson Hartsuck asked Mr. Intlekofer if he billed the customer for the removal of 900 square feet of contaminated soil.

Mr. Intlekofer explained that soil contamination did not cover the entire area, but he included the entire project in the bill because the method that was used cost the same whether or not there is contamination.

Nancylee Siebenmann read from the record a statement that the the owner was billed was for the removal of 900 square feet of contaminated dirt.

Mr. Intlekofer stated that the 30-40 linear feet of pipe from which asbestos fell to the soil falls well below the 260 linear foot threshold, adding that it was a very small project.

Clark Yeager asked if it was true that Mr. Intlekofer did not need to notify the department about the soil cleanup because of the amount involved.

Mr. Murphy stated that the notification certified by the company stated 900 square feet of contaminated soil and the bill refers to 900 square feet of contaminated soil with 2 inches depth. He added that there was conflicting testimony on the amount of asbestos that had fallen to the ground, but the staff position is based on the notices, the bills, the inconsistent testimony, and the presumption that the asbestos will not stay in one spot. Staff is contending that there was 900 square feet of contaminated soil.

Amy Couch

Amy Couch, Sullivan and Ward, addressed the Commission stating that she represents Penford Products and this is the first time she realized that there was a conflict in the amount of asbestos that might have been removed and what was billed to her client. She related that if the Commission grants a rehearing she would request to be notified of the dates of the hearing and ask that both parties be directed to give her any evidence they have regarding the amount of the material that was removed and the amount that was billed to her client.

Further discussion followed regarding the Commission's options in this case.

Motion was made by William Ehm to affirm the decision of the Administrative Law Judge. Seconded by Nancy Lee Siebenmann.

Brief discussion followed regarding timely notifications, compliance with regulations, and the company's options if the ALJ decision is upheld.

Charlotte Mohr stated that she has a problem with this because it is the company's first violation and it involved a clerical error.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Britt, Ehm, King, Priebe, Siebenmann, and Hartsuck. "Nay" vote was cast by Commissioners Yeager and Mohr. Motion carried on a vote of 6-Aye to 2-Nay.

ALJ DECISION UPHELD

LANDFILL ALTERNATIVES GRANT PROGRAM CONTRACTS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

From the fifty-seven (57) grant applications received for consideration during the December 1993, grant round, fifteen (15) were selected for funding. Of the fifteen (15) grant awards, thirteen (13) are in excess of \$25,000.

At this time, the Commission is requested to approve these thirteen (13) contracts. Portions of the contracts for Commission review and approval are attached.

- 1) City of Davenport Scott Plett, Compost Manager

The applicant will construct a composting facility for co-composting sewage sludge and yard waste. It is anticipated the project will result in a 30% reduction in tonnage landfilled. The facility will be constructed adjacent to the Water Pollution Control Plant in Davenport, Scott County. Sludge recovered from the plant will be mixed with yard waste from Scott County for co-composting.

- 2) Creston Sanitation, Inc. Bob Marquart, Jr., Vice President

The applicant, located in the City of Creston, Union County, proposes to expand the existing regional recycling facility to increase materials recovery and to improve processing efficiency and materials marketing. Grant funds are requested for building construction, collection vehicle, equipment, collection containers, and public education. The project will

serve all or portions of seven south central counties and includes recyclables from both residential and commercial generators.

3) Corkery Recycling Services

Larry Corkery, Owner

The applicant is located in the City of Waterloo, Black Hawk County. The proposed project involves automating the processing of commingled recyclables, expanding existing recycling operations, and targeting additional solid waste generators to provide greater landfill diversion of solid waste. The project will serve all or portions of eight counties in eastern and northeastern Iowa. Grant funds are requested for the purchase of equipment, a semi-trailer, wages, and educational programming.

4) Guthrie County

Jay Coffman, Chair Board of Supervisors

The applicant is located in the City of Guthrie Center, Guthrie County and is proposing to implement curbside collection of commingled recyclables for eight communities in the County currently without such service. The applicant will maintain the current drop-box program for rural residents. Collected materials will be delivered to the transfer station where they will be minimally processed and transported to an existing recycling center for processing and marketing. Grant funds are requested for the purchase of curbside collection containers, site preparation and building construction, equipment, education, and wages.

5) Woodbury County Area Solid Waste Agency

Richard Roark, Chair

The applicant is located in the City of Merville, Woodbury County and is proposing to implement an integrated curbside collection, drop-off collection, and reuse program throughout Woodbury County. The project involves curbside collection of recyclables from twelve (12) communities in the County, excluding the City of Sioux City. A drop-off center for recyclables will be available for rural residents. A reuse center will be established for such items as furniture, small equipment, etc. as well as the collection of waste oil, oil filters, and vehicle batteries.

Curbside and drop-off recyclables will be transported to the Monona County Recycling Center (current grantee) until such time that the Sioux City materials recovery facility (current grantee), currently under construction, is operational at which time materials will be transported there for processing and marketing. Grant assistance is requested for equipment, building construction, wages, and educational materials and programs.

6) City of Bettendorf

Jerry Springer, Director of Public Works

The Scott County applicant is proposing to implement a curbside recycling program for the 10,000 households in the City of Bettendorf. The program involves monthly, semi-automated split cart collection of recyclables. Grant funds are requested for collection trucks, curbside collection carts, and promotional and educational materials. Collected materials will be transported to the Scott County Area Solid Waste Management Commission's materials recovery facility for processing and marketing.

7) Aldan Lane Company

Cloyce Palmer, Owner

The applicant is located in the City of Kalona, Washington County and is proposing to complete a plastic lumber extrusion production line thereby improving operating efficiency and increasing production. The applicant currently serves primarily as a market for post-industrial HDPE within a 250 mile radius of the facility. With the project, the applicant will become a new market for post-consumer HDPE. Products are marketed nationwide. Grant funds are requested for the purchase and installation of equipment and project promotion materials.

8) Ron Cox Sanitation and Recycling

Ron Cox, Owner

The applicant is located in the City of North English, Iowa County and is proposing to expand the existing recycling center and recycling operations throughout the service area of Iowa County, and portions of Keokuk, and Washington Counties. Grant assistance is requested for building construction, the purchase of equipment, and a collection vehicle.

9) Cedar Rapids Community School District

Steven Chambliss, Acting Superintendent

The applicant is located in the City of Cedar Rapids, Linn County and is proposing to implement a district-wide recycling program for the recovery of paper, cardboard, tin, plastic (HDPE), and glass. Grant funds are requested for equipment, materials transportation, collection containers, education, and wages. The area served by the project includes the Cedar Rapids Community School District.

10) Controlled Materials Equipment Transportation, Corp.

Gary Griffis, President

The applicant is located in the City of Council Bluffs, Pottawattamie County and is proposing to improve current tire recycling operations by recovering additional waste rubber from scrap tires and increasing the marketability of the tire's bead wire. Grant funds will be used for the purchase of auto and truck tire debadders. Processed waste rubber is marketed as tire derived fuel. The project will target waste tire generators within a 125 mile radius of the City of Council Bluffs and will accept waste tires statewide.

11) B & B Bedding

Cornie Brouwer, President

The applicant is proposing to expand the existing wood waste recycling facility. Grant funds are requested for building construction/remodeling and the purchase of walking-floor trailers. Wood waste is processed into livestock bedding, landscape mulch, and boiler fuel. The applicant is located in the City of Oskaloosa, Mahaska County and wood waste is received from generators statewide.

12) Estherville Pallet Company

Merle Johnson, Owner

The Estherville, Emmet County applicant is proposing to grind waste pallet wood collected from businesses in north and northwest Iowa. Used wood pallets are obtained and graded for

reuse, refurbishing or declared unusable. Unusable pallets will be ground and marketed to a private company located in northwest Iowa. Through a previous grant project, this private company sells waste wood, at a minimum, as boiler fuel. Grant funds are requested for the purchase of a grinder and building construction.

13) Carroll County Solid Waste Management Commission

Jim Ulveling, Director

The proposed project involves development of an expanded regional wood waste recovery and processing program as part of an integrated solid waste management program. Targeted materials include dimensional lumber, unusable pallets, and tree waste. Grant funds are requested for the purchase of a wood waste chopper and a loader. Processed materials will be sold as mulch and for use in livestock feed lots. The applicant is located in the City of Carroll, Carroll County and will initially serve Carroll County and parts of Calhoun County. The project is expected to expand to the other counties in the West Central Iowa Management Association.

(A copy of the Scope of Work and Budget for each project is on file in the department's Records Center)

Ms. Hay briefly reviewed the grant awards and asked the Commission's approval of same.

William Ehm commented that the announcement that Creston Sanitation received a grant was all over the local newspaper last week and related that, if for some reason, the Commission did not approve the grant it could be embarrassing for everyone involved.

Motion was made by Nancy Lee Siebenmann to approve the Landfill Alternatives Grant Contracts as presented. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 209, LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed administrative rules relating to the revised Chapter 209 Administrative Code.

Notice of Intended Action was published as ARC 4567A on January 19, 1994 in the Administrative Bulletin. A public hearing was held on February 9, 1994. One person was in attendance and provided two (2) comments.

The first comment was with regard to how the Department defines the word "secured" in 209.10(2). Staff recommends that the word "secured" be changed to "assured" in this section. The term "assured" will allow greater flexibility by an applicant in guaranteeing that cost share moneys will be applied to the project.

The second comment dealt with the number of points to be awarded to applications during the review process, regarding the requirement that all applications be provided to the responsible agency for submitting an approved solid waste comprehensive plan or subsequent plan for their review and comments. This requirement is identified in 209.14 and is part of the project selection criteria under each subsection of 209.14. Concern was raised by the public hearing participant over the potential for these comments to stifle private business from competing for materials with a public agency and the effect this could have on funding a particular project. Staff recommends no change.

Attached is the Notice of Intended Action that will rescind Chapter 209, Iowa Administrative Code and adopt in lieu thereof, a new Chapter 209, "Landfill Alternatives Financial Assistance Program." Also attached are the proposed Chapter 209 Administrative Rules to implement Iowa Code Section 455E.11. This revised Chapter 209 provides rule guidelines for financial assistance to applicants for solid waste management projects representing source reduction and alternatives to landfilling.

These revised rules are in response to the evolution of waste reduction, recycling, and other landfill diversion activities currently in place across the state, the Department established an advisory committee made up of individuals representing the Environmental Protection Commission, counties, municipalities, business and industry, regional councils, and solid waste management associations. The advisory committee met twice to offer input on how the existing Landfill Alternatives Grant Program could best reflect today's solid waste management issues and market development of recycled materials.

A new application form and application booklet will be developed to reflect the changes in Chapter 209. It is anticipated that the new program will be effective in time for the December 1994 application deadline.

Ms. Hay explained the rules, public comments received, and minor changes made as a result of the comments. She pointed out that the attachment to the agenda brief should say "Adopted and Filed" rather than Notice of Intended Action since this is a final rule. She noted that the primary change in the program is that, along with the grants, it is going to be a no-interest-loans program. Ms. Hay related that it is much more restrictive in terms of who is eligible for a grant.

Brief discussion followed.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 209, Landfill Alternatives Financial Assistance Program. Seconded by Clark Yeager. Motion carried unanimously.

APPROVED AS PRESENTED

Ms. Hay, in response to Commissioner Priebe's inquiry last month, distributed copies of the critique letter sent to North Central Iowa Regional Solid Waste Agency in regard to denial of their grant request.

Commissioner Priebe stated that the letter sufficiently answers all of his questions.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
 2. Variance Report
 3. Hazardous Substance/Emergency Response Report
 4. Enforcement Status Report
 5. Contested Case Status Report
-

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 14 pages)

Environmental Protection Commission Minutes

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 22 - Air Construction Permit Exemptions	6/21/93	7/07/93	8/02/93	8/23/93	TERMINATION NOTICE 3/21/94 *3/21/94 *4/13/94 *5/18/94			
2. Ch. 22 - Voluntary Operation Permits - Air Quality	3/21/94	*4/13/94	*5/ /94	*5/ /94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
3. Ch. 50, 51 - Agricultural Drainage Well Permits	*4/18/94	*5/13/94	*6/ /94	*6/ /94	*7/18/94	*7/18/94	*8/17/94	*9/21/94
4. Ch. 61 - Water Quality Stds. Numeric WQ Criteria	*4/18/94	*5/13/94	*6/ /94	*6/ /94 *4/18/94 *4/19/94 *4/20/94 *4/21/94	*7/18/94	*7/18/94	*8/17/94	*9/21/94
5. Ch. 67 - Sewage Sludge	2/21/94	3/16/94	*4/ /94		*5/16/94	*5/16/94	*6/08/94	*7/13/94
6. Ch. 72 - Flood Plain Development - Protected Streams Variance Criteria	3/21/94	*4/13/94	*5/ /94	*5/ /94	*6/20/94	*6/20/94	*7/20/94	*8/24/94
7. Ch. 81 - Water Supply Systems; Wastewater Treatment Plants	*4/18/94	*5/13/94	*6/ /94	*6/ /94	*7/18/94	*7/18/94	*8/17/94	*9/21/94
8. Ch. 100, 103 - Solid Waste Rules	10/18/93	11/30/93	12/14/93	12/01/93	3/21/94	*3/21/94	*4/13/94	*5/18/94
9. Ch. 103, 111 - Landfill Financial Assurance	2/21/94	3/16/94	*4/ /94	*4/06/94	*5/16/94	*6/20/94	*7/20/94	*6/15/94
10. Ch. 108 - Beneficial Use of Foundry Sand	11/15/93	12/08/93	1/04/94	1/04/94	3/21/94	*3/21/94	*4/13/94	*5/18/94
11. Ch. 134 - Registration of Groundwater Professionals	2/21/94	3/16/94	*4/ /94	*4/05/94 *4/06/94 *4/07/94	*5/16/94	*5/16/94	*6/08/94	*7/13/94
12. Ch. 209 - Landfill Alternatives- Financial Assistance Program	12/20/93	1/19/94	2/14/94	*2/09/94	3/21/94	*3/21/94	*4/13/94	*5/18/94

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Environmental Protection Commission Minutes

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Report of Hazardous Conditions

During the period February 1, 1994 through February 28, 1994, reports of 57 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
02/04/94 Humboldt	A driver filled up tanks on a truck and one of the tanks began leaking. 58 gallons of diesel fuel was spilled on concrete at a truck stop. No waterways were impacted.	Anthony Trucking 31 Second Street, NE Le Mars, IA	The spilled diesel fuel was sanded, containerized, and disposed of at a SLF.
02/08/94 Linn	An oil cooler unit on a turbine began leaking. 50 gallons of oil were released to a canal that feeds Cedar Lake. Although the oil was released to the lake, no oil was visible on the water surface.	IES Utilities 6th and D Avenue Cedar Rapids, IA	A boom was placed across the discharge canal to retain any additional oil discharged. The oil may have been emulsified due to the turbulence of the turbine. It was not possible to immediately shut down the turbine. This is approx. a twelve hour process.

Substance

Mode

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	56(83)	37(54)	6(8)	13(21)	34(51)	0(0)	20(25)	0(2)	0(0)	2(5)
November	52(74)	34(46)	3(7)	15(21)	30(38)	3(1)	14(26)	0(0)	1(0)	4(9)
December	41(67)	30(41)	2(9)	9(17)	23(37)	0(2)	14(28)	2(0)	0(0)	2(0)
January	67(61)	47(47)	3(0)	14(17)	38(37)	1(1)	23(21)	2(1)	2(0)	1(6)
February	57(61)	38(47)	3(0)	16(14)	29(32)	2(1)	22(21)	2(1)	0(0)	2(6)
March										
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '93)

1	2	3	4	5	6
11	6	3	7	11	19

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of February 1, 1994 through February 28, 1994, the following number of releases from underground storage tanks were identified.

12 (22)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1993.

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NUMBER OF LUST CLEANUPS COMPLETED

During the period of February 1, 1994 through February 28, 1994, the following number of LUST cleanups were completed:

11 (683)

The number in parentheses represents the total number of LUST cleanups through February 28, 1994.

NUMBER OF LOW RISK SITES APPROVED

During the period of February 1, 1994 through February 28, 1994, the following number of low risk sites were approved:

34 (253)

The number in parentheses represents the total number of low risk LUST sites through February 28, 1994.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Parkwest, Ltd. and Wilbur Numelin and Ricky Lee Anderson, Clear Lake (2)	Underground Tank	Site Assessment	Order/Penalty	2/04/94
Elite, Ltd.; Roger J. Kanne and James L. Pietig, Coon Rapids (4) LUST #7LTS85	Underground Tank	Site Assessment	Order/Penalty	2/04/94
Elite, Ltd.; Roger J. Kanne and James L. Pietig, Coon Rapids (4) LUST #7LTS86	Underground Tank	Site Assessment	Order/Penalty	2/4/94
HiWay Texaco, Ltd.; Roger J. Kanne and Rick Kanne, Bagley (4)	Underground Tank	Site Assessment	Order/Penalty	2/04/94
Country Stores of Carroll, Ltd.; Roger J. Kanne, Carroll (3 & 4)	Underground Tank	Site Assessment	Order/Penalty	2/04/94
Solvay Animal Health, Inc., Floyd Co. (1)	Air Quality Solid Waste	Construction Without Permit; Operation Without Permit	Order/Penalty	2/04/94
West Central Cooperative, Ralston (4)	Air Quality	Monitoring/Reporting	Order	2/04/94
Olsen's Water System, Hamilton Co. (2)	Drinking Water	Operation Without Permit	Order/Penalty	2/04/94
Randy Foth d/b/a Foth Lumber Co., Humboldt Co. (2)	Air Quality	Open Burning	Order/Penalty	2/04/94
Open Bible Conference Ground, Cerro Gordo Co. (2)	Drinking Water	Operation Without Permit	Order/Penalty	2/04/94
Sac County Golf and Country Club, Sac Co. (3)	Drinking Water	Operation Without Permit	Order/Penalty	2/04/94
Arlo Becker d/b/a Becker's Auto Salvage, Benton Co. (1)	Air Quality	Open Burning	Order/Penalty	2/14/94

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Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Don Carlson d/b/a Carlson Oil Co. (Armstrong)	UT	800	12-14-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	2-28-94
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
B & R Insulation, Inc. (Middletown)	AQ	500	3-14-94
Carter Lake, City of	WS	1,700	3-14-94
Rich Seidenfeld d/b/a Seidenfeld Metals (Des Moines)	AQ	5,000	3-18-94
Swine Graphics Enterprises, L.P. (Monroe Co.)	WW	2,500	3-29-94
Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	4,000	3-31-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
John Deere Company (Waterloo)	AQ	1,000	3-31-94
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000	3-31-94
Paul Nagle d/b/a Cyclone Steeple Jacks (Nevada)	AQ	4,000	4-01-94
Waste Management & Design, Inc. (Webster City)	WW	10,000	4-01-94
Bob L. Petry (Council Bluffs)	UT	400	4-03-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	4-04-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280	4-08-94
Randy Foth d/b/a Foth Lumber Company (Livermore)	AQ	1,000	4-09-94
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500	4-09-94
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288	4-09-94
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000	4-09-94
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000	4-09-94
Solvay Animal Health, Inc. (Charles City)	AQ/SW	5,000	4-09-94
Sac County Golf and Country Club (Wall Lake)	WS	200	4-09-94
Olsen's Water System (Hamilton Co.)	WS	100	4-16-94
Cedar Rapids, City of; YWCA (Cedar Rapids)	AQ	3,000	4-18-94
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000	4-23-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	-----
Iowa-Illinois Thermal Insulation; American Demolition Corp. (Cedar Rapids)	AQ	6,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Foland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderhess (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Clear Lake Stock Farms, Inc. (Osceola Co.)	SW	1,000	7-07-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-07-93
Richard Newman (Des Moines Co.)	SW	500	11-01-93

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The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
William H. Viner (Emerson)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
Case Power and Equipment (Decorah)	WS	500
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winneshiek Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Wells Dairy, Inc. (LeMars)	WW	5,000
LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udel (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Graham Tire Co. of Spencer (Spencer)	UT	1,100
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
George Krakow; Elmer Krakow (Marengo)	UT	1,275
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Casey's General Stores, Inc. (Grundy Center)	UT	6,500
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Nichii Company of America, Inc. (Jefferson)	AQ	10,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Philips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
Low Moor, City of	AQ	6,000
Asbestrol, Inc. (Decorah)	AQ	500
Home Asbestos & Lead Abatement Services (Johnston)	AQ	2,000
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Club Elvis (West Burlington)	WS	300
Harold Lee (Keokuk Co.)	WW	3,300
Walterman Implement, Inc. (Grundy Co.)	AQ	1,000
VanVeen Construction, Inc.; Sheldon Thompson; and DeLong Sportswear, Inc. (Jasper Co.)	SW	5,000
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Lyle Lorensen (Garwin)	HC	4,000
Technical Asbestos Control, Inc. (Davenport)	AQ	1,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Phil McMains d/b/a MEDA (Moulton)	AQ	2,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
FCA Services, Inc. (Des Moines)	AQ	500
Patricia Christy-Freese d/b/a Christy Corp. (Waterloo)	AQ	1,000
South High Point Well Assn. #1 (Iowa City)	WS	100
Open Bible Conference Ground (Cerro Gordo Co.)	WS	100
Austin J. DeCoster (Wright Co.)	WW	3,000
Jefferson, City of	WW	500
Eldon Waller (Belevue)	WW	2,500
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	48
Thor, City of	WW	200
Des Moines County Sanitary Landfill (Des Moines Co.)	SW	1,000
TOTAL		8,948

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
March 1, 1994

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ames, William D Woodbury County (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/15/93 9/17/93
Ampel Corporation Des Moines (5)	Updated	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed	12/20/93 2/21/94
Birusingh, Kirshna A. Crescent (4)	Updated	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Consent Decree (Injunction)	6/15/92 12/11/92 2/14/94
Bodwell, Robert Winterset (5)	New	Underground Tank	Site Assessment	Order/Penalty	Referred	2/21/94
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Carson Grain & Implement Co. Coggon (1)		Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	10/18/93 12/09/93
Chicago & Northwestern Transportation Co.		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93
Blue Chip Enterprises						
Hawkeye Land Company Iowa Falls (2)						
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Des Moines, City of (5) v. IDNR	Updated	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Doud, Dennis D & D Tire Company Moravia (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/30/93
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS March 1, 1994

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/04/93
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 2/15/94
Gavin, Bernard Gavin Veterinary Clinic Wellsburg (2)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/28/93
Giese Construction Co. Ft. Dodge (2)		Solid Waste Air Quality	Illegal Dis- posal; Open Burning	Referred to Attorney General	Referred Petition Filed Trial Date	5/29/92 3/26/93 6/14/94
Giese Construction Co. Ft. Dodge (2)		Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed Trial Date	1/19/93 3/26/93 6/14/94
Hall, Dale Des Moines (5)	New	Underground Tank	Site Assessment	Order/Penalty	Referred	2/21/94
Halsne, Grant d/b/a Halsne, Inc. Decorah (1)		Underground Tank	Site Assessment	Order	Referred Petition Filed	10/18/93 12/06/93
Harrison County Board of Supervisors (4)	New	Solid Waste	Operating Violations	Referred to Attorney General	Referred	2/21/94
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)	Updated	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed Summary Judgment Hearing Trial Date	2/15/93 4/15/93 3/07/94 4/26/94
IBP, inc. Columbus Junction (6)	Updated	Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal Appellant's Brief Appellee's Brief Oral Arguments Case Affirmed	3/17/92 10/28/92 11/06/92 12/16/92 1/11/93 3/10/93 6/28/93 1/04/94 2/24/94
International Hydroform Pella (5)		Underground Tank	Remedial Action	Order	Referred Petition Filed	5/17/93 1/18/94
Iowa City, City of (6)	Updated	Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed Tried to Court Ruling for Defendant	4/20/92 1/28/93 1/26/94 2/11/94
Jack Link Truck Line, Inc. Dyersville (1)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Updated	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Landfill of Des Moines, Inc. Des Moines #4 (5)	Updated	Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 9/01/92 7/06/94

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DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 March 1, 1994

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Landfill of Des Moines, Inc. Des Moines #5 (5)	Updated	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 7/06/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKiniss Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93
McNear, Wilbur, Dennis Stoner, Jack & Betty Hawn (4)	New	Underground Tank	Site Assessment	Referred to Attorney General	Referred	2/21/94
Moore, Ron d/b/a 63-180 Cafe Malcom (5)		Drinking Water	Mtrg/Rprtg Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin)	11/16/92 4/02/93
Newman, Richard Des Moines Co. (6)	New	Solid Waste	Operating Violations	Order/Penalty	Referred	2/21/94
Northwood Cooperative Elevator, Worth Co. Co-op Oil Amoco v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order Suit Filed DNR Answer Consolidation Order	12/07/92 12/28/92 1/05/93 12/07/93 12/28/92 3/10/93 12/15/92 1/04/93 3/10/93
Plendl, Robert B. Plendl Brothers Trucking Kingsley (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)	Updated	Drinking Water	Mtrg/Rprtg. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed Consent Decree (\$2,000/Civil & Injunction) Motion to Vacate Judgment	6/15/92 3/05/93 2/04/94 2/16/94
Pruess, Harlan Cedar Co. (6)		Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Rudd, Harlan d/b/a Rudd Bros. Tires Drakesville (6)		Underground Tank	Closure Investigation	Order	Referred	12/20/93
Sadler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date	9/21/92 12/24/92 3/02/94
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Shelley, Roberto and Sally Guthrie Center (4)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Admin.; Clean-up Ordered) Notice of Appeal Appellant's Brief State's Brief Case Affirmed	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93 12/29/93
Starling, Vern Perry (5)	Updated	Solid Waste	Illegal Disposal	Order	Referred Petition Filed Trial Date	11/16/92 4/14/93 3/24/94

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ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
March 1, 1994

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Troutman, Jerry L. & Richard Van Buren Co. (6)	Updated	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)		Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed	11/15/93 12/30/93
Winterset, City of (5)		Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed Trial Date	7/20/92 3/23/93 4/26/94
Yentes, Clifford Council Bluffs (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young, David Sierp Oil Company Casey (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oetwein Soil Service	Administrative Order	WW		Hearing continued.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	SCR submitted.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Wornson	Settlement letter sent.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Settlement letter sent.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	City response under review by EPD.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing set for 5/4/94.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. Briefs submitted. Oral arguments heard by Court of Appeals. Judgment for DNR affirmed by Court of Appeals.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-04-90	United States Gypsum Co. Sperry	Administrative Order	SW	Kennedy	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	To be sent to DIA to be set for hearing.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	12/01/93 - Settlement offer accepted by City.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Firestone submitted site investigation report.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance nearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution. Attorney contacted regarding response.
3-30-92	White Consolidated Industries	Administrative Order	WW	Hansen	Negotiating before filing.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.

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5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WW	Murphy	Firestone submitted site investigation.
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Settlement close.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	Negotiating before filing.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Compliance except for penalty. FO inspection prior to penalty negotiation.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	10/11/93-Dept letter to facility rejecting revised assessment plan.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/WW	Kennedy	Informal meeting 12/4/92.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93.
12-14-92	Gary Lalor	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	IBP, inc. Geneseo, IL	SWA Denial	SW	Kennedy	Appeal withdrawn.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	HC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indianola)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.

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3/09/93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
3/15/93	Pat Benjamin	Administrative Order	UT	Wornson	Analyzing financial inability.
3/19/93	Holnam Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/29/93	Henning Wood, Inc.	Administrative Order	SW	Kennedy	Settlement meeting continued.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/09/93	Economy Solar Corp.	Administrative Order	AQ	Preziosi	Decision in favor of DNR. Appealed.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WW	Preziosi	Settlement reached pending submission of certain financial documents.
4/09/93	Wells Dairy, Inc.	Administrative Order	WW	Hansen	12/27/93 Amended settlement proposed by Wells Dairy.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/01/93	Graham Tire Co. of Spencer	Administrative Order	UT	Wornson	Compliance completed. Awaiting penalty.
6/17/93	Leo Schachtner ; Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Hearing continued.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/02/93	Merlyn Stanbrough; Donna Stanbrough	Administrative Order	SW	Kennedy	Appeal to be withdrawn.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Compliance with SCR initiated.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Negotiating before filing.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Hearing set for 4/24/94.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Hearing set for 4/24/94.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/23/93	Walnut Grove Products	Permit Denial	AQ	Preziosi	Negotiating before filing.

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7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Negotiating before filing.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/29/93	Charles W. Sharp	Permit Issuance	FP	Clark	Negotiating before filing.
10/11/93	West Central Cooperative	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/22/93	Club Elvis	Administrative Order	WS	Hansen	Negotiating before filing.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Negotiating before filing.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/05/93	George Krakow & Elmer Krakow f/d/b/a Krakow Bros.	Administrative Order	UT	Wornson	Compliance initiated. Negotiating penalty.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Compliance initiated.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/93	Osceola, City of	Permit Conditions	WW	Hansen	Negotiating before filing.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Hearing rescheduled for 4/22/94.
11/22/93	Casey's General Stores Grundy County	Administrative Order	UT	Wornson	Negotiating settlement.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Anderson Excavating and Wrecking Company	Administrative Order	AQ	Preziosi	Settled.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Settlement conference set for 3/04/94.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/11/94	Low Moor, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/11/94	Asbestrol, Inc.	Administrative Order	AQ	Preziosi	Settled.
1/12/94	Hone Asbestos & Lead Abatement Services	Administrative Order	AQ	Preziosi	Settled.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Negotiating before filing.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.

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1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	AQ	Murphy	Settled.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	New case.
2/07/94	Walterman Implement, Inc.	Administrative Order	AQ	Preziosi	New case.
2/09/94	Harold Lee	Administrative Order	WW	Clark	New case.
2/10/94	Lyle Lorenson	Administrative Order	UT	Wornson	Compliance initiated.
2/11/94	Technical Asbestos Control	Administrative Order	AQ	Preziosi	New case.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	New case.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Negotiating before filing.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	Gregory A. Meyer	GW Prof. Denial	UT	Wornson	New case.
2/25/94	Phil McMains d/b/a M.E.D.A.	Administrative Order	AQ	Preziosi	Settled.
2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	New case.

Mr. Stokes presented the monthly reports.

Verlon Britt requested that a line showing the totals be added to Administrative Penalties report in the future.

Nancylee Siebenmann asked about the outcome of the Don Ervin trial.

Mr Murphy stated that there has not been a trial and explained that the parties had agreed to a February 15 hearing date, but the court never issued an order on it and therefore it will be rescheduled.

INFORMATIONAL ONLY

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential

pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Waterloo Community School District - Air Quality

- b. Advanced Technologies Corporation (Cedar Falls) - Air Quality
- c. American Asbestos Training Center, Ltd. (Monticello) - Air Quality
- d. Economy Solar Corp. (Springville) - Air Quality
- e. Farmer's Hybrid Companies, Inc. (Hamilton County) - Water Quality
- f. Giese Construction Company (Ft. Dodge) - Flood Plain/Water Quality
- g. Don Carlson, d/b/a Carlson Oil Co. (Armstrong) - Underground Tanks

- h. Louis Saak, d/b/a Saak Oil Co. (Baxter) - Underground Tanks
- i. William Hatch, d/b/a R & R One Stop (Central City) - Underground Tanks
- j. K-Service, Inc.; James, Jay and Mary Ellen Kirkendall (Sloan) - Underground Tanks

Advanced Technologies Corp.

American Asbestos Training Center, Ltd.

Economy Solar Corp.

Waterloo Community School District

Mr. Murphy explained that the first four referral items involve the Waterloo Community School District, Advanced Technologies Corporation, American Asbestos Training Center, Ltd., and Economy Solar Corp. and all relate to many common issues of fact and law pertaining to the NESHAPS program. The NESHAPS program is a part of the department's air quality control program. He reviewed history of the case involving a renovation project and asbestos removal at Logan Intermediate School in Waterloo. He noted that the common incidents occurred in September and December of 1993 involving the cleanup of asbetos at Logan School. This activity was preceded and necessitated by activities by the school district at the same location in

July and August 1993. An unrelated, but similar activity, involving Economy Solar Corporation occurred at the First United Methodist Church in Ft. Madison in November 1993 - January 1994. He related that renovation at Logan School took place between July 15 - August 26, 1993 and included disturbance and removal of asbestos containing material. The asbestos removal was done by school district employees and the DNR was not notified of the project. Mr. Murphy stated that when the department received a complaint about the project they investigated (on August 24) and found that there were serious violations of work practice standards relating to the proper handling of the asbestos materials. School was scheduled to begin on August 30. He related that the department was concerned about the situation and issued an Emergency Order on August 26, requiring the school district to secure the area in which the work was being done and to implement cleanup measures outside of the renovation area. Mr. Murphy added that the district submitted and implemented a plan to secure the renovation areas and cleanup the remainder of the buildings and the areas outside of the renovation areas. The department inspected the areas on August 30. Air monitoring was performed by the district and some asbestos containing material was found on an outside window ledge. Sampling throughout the rest of the building indicated that it would be safe to allow school to resume. The district retained American Asbestos Training Center to oversee asbestos clean up and removal from the North and South renovation areas. Economy Solar Corporation was retained to do the work on the North area, and Advanced Technologies was retained to do the South area. He recapped the number violations and dates they occurred, all pertaining to dry asbestos debris being found in both areas and on equipment, as well as work practice violations. Mr. Murphy stated that at the time of each investigation, the school district, American Asbestos, and the specific contractors were notified of the problems. He stated that staff feel these were very serious incidents and warrant action by the Attorney General's Office. Mr. Murphy noted that the slightly unrelated matter involving Economy Solar deals with an emergency cleanup project at the First United Methodist in Ft. Madison, last November, in which dry asbestos debris was found throughout the area after they reported that the work had been completed. Church officials have verified that additional cleanup has now been completed. Mr. Murphy stated that the department's inspector indicated that it is not very common to find these types of violations, and he has completed many, many inspections.

Appointment - Jack Fitzgerald (Waterloo Community Schools referral)

Jack Fitzgerald, Business Manager and Director of Facilities at Waterloo Community Schools, described their project which began by putting circles on a ceiling to hang a false ceiling. He related that at that time they did not plan to exceed 160 square feet and felt they were operating under Small Scale/Short Duration, which does not require filing documentation with the state. He noted that DNR visited the school on August 23 and informed the district that the project exceeded the 160 square foot threshold. The district agreed to shut down the facility and to go through the total process of abatement, and the building was secured. Mr. Fitzgerald stated that American Asbestos was hired to do a project design and Economy Solar Corp. and Advanced Technologies were hired to do the clean up. He stressed that the district wanted to make sure all regulations were followed and that the area was properly cleaned up. He noted that final asbestos removal and clean up was completed on October 25. He added that when he was

informed by Brad Azeltine of the DNR that there was remaining residue, he contacted the companies and requested them to come back and take care of the situation. He stated that he feels that the district fully cooperated during the whole process and asked the Commission to consider that.

Appointment - Steve Intlekofer (American Asbestos Training Center referral)

Steve Intlekofer, American Asbestos Training Center, stated that this is a very complex issue and explained the process used in removing asbestos and how it is done in a safe manner. He stated that at the end of the Waterloo School project, samples were taken inside the contained area after encapsulation. Prior to the encapsulation everyone involved in the project looked to see if there were any asbestos containing materials that would be left after the removal process. He noted that each contractor did a really good job of inspecting and it was checked a total of three times. He related that it is possible that a thumbnail speck of asbestos could have been found up on top of something or in a corner. Mr. Intlekofer related that at the end of the project an encapsulant is used to make sure that if there are any materials left, the encapsulant sticks the particular piece of asbestos to whatever it happens to be attached to. He related that they used 60 gallons of the encapsulant in an area of 6,000 square feet. He noted that at the very end of the project the air was sampled and the lab indicated there was no asbestos fiber in the samples taken. He added that he is confident that there was no health hazard for anyone associated with the project.

Mr. Intlekofer explained that the materials are wet when removed and bagged, and at the end of the shift the workers use squeegees to push everything that has been removed from the ceiling into a pile and it is then put into the bags. He related that when that process is finished a particle that is wet might dry out because the air is changed every 15 minutes through air filtration. He noted that the first thing the workers do when they begin the next day is to hose everything down again. Mr. Intlekofer related that this is the type of debris Mr. Azeltine found when he came out between shifts. He indicated that as soon as he was notified of this debris, it was immediately cleaned up.

Discussion followed in regard to air monitoring data, and the work being completed in October and asbestos debris being found in samples taken on December 1.

Mr. Intlekofer stated that the department follows NESHAP rules from 1981, and in 1988 AHERA rules were implemented. He related that NESHAP is an old set of rules being applied to new technology and they do not accept any type of air tests, they accept only what is visible.

Appointment - Mike Llewellyn (Advanced Technologies referral)

Mike Llewellyn, President of Advanced Technologies Corporation, stated that the regulations required them to exchange the air four times per hour but they did it ten times per hour. He noted that two to three layers of plastic were put over the windows to make sure there would not be any exposure there. Over 16 tons of asbestos debris was removed at this project. Mr. Llewellyn related that they went beyond the extreme, knowing that this was a project that would be looked at closely. He added that OSHA has a limit of .2 fibers/cc when a person has to

wear a respirator for protection, and tests showed that their limits were between 5-100 times lower than that at all times during and after removal. He stated that the amount of debris the inspector found was the size of a pencil eraser and those specks of debris will dry out within an hour unless someone is misting it 24 hours a day. He pointed out that when a project is complete they go through the area eight times to make sure there is no remaining debris. He described their cleaning process using leaf blowers and the method used in taking air samples. Mr. Llewellyn noted that of the six air samples taken, only one structure of asbestos was found. He also explained the process used to apply the encapsulant and how well it seals the area. He stated that Mr. Azeltine found a little bit of dried debris behind some cabinets in one area and that is an example of how ridiculous it is as to what he is looking for. Mr. Llewellyn added that the project was done state-of-the-art.

Discussion followed regarding dates the project was completed, debris found in the chute, total costs for the project, and standards for air monitoring.

Appointment - Jeff Intlekofer (Economy Solar Corp referral)

Jeff Intlekofer, Economy Solar Corp., addressed the Commission stating that the procedures they used were the same as Advanced Technologies procedures. He noted that what it boils down to is the fact that even with the state-of-the-art procedures being used today, it is possible that something could be missed. He added that there is virtually no contractor in Iowa that can say they removed 100% of the asbestos in any project they have done.

Discussion followed in regard to recleaning of the areas after small amounts of asbestos debris was found, monitoring of air quality prior to beginning the work, total cost for the project, and AHERA regulations in reference to pre-cleaning.

Appointment - Paul Hughes (American Asbestos Training Center referral)

Paul Hughes, American Asbestos Training Center, stated that he took the ambient air samples during the course of some asbestos removal from the Waterloo schools and the results were low. He related that he did not know what the readings were prior to the beginning of the project. He recommended that the Commission dismiss the matter to save the taxpayers money.

Discussion followed regarding the method/regulations used for air sampling.

Mr. Murphy circulated photos taken by Brad Azeltine depicting areas where asbestos debris was found following completion of the project. He stated that there are strong disagreements as to the facts in this case such as the amount of monitoring done and the relevance of it, the validity of it, when it was done, and the circumstances under which it was done. He stressed that these are things the Attorney General can look at, and if necessary the courts. Mr. Murphy stated that staff does not agree with the issue of encapsulation and he pointed out in the photos the amount of debris left laying all over the floor, cabinets, and piping.

NancyLee Siebenmann asked Mr. Murphy to comment on EPA in this case.

Mr. Murphy stated that EPA fully supports the department's action in this case. He explained that there is a separate program, the AHERA program, that has it's own set of regulations and OSHA that has their own regulations for whatever purpose they are for, but the DNR is in charge of administering the regulations in this case. He went on to explain the original NESHAPS rules established in 1981 and noted that they are still on the books, and that is what the department is administering.

Mr. Fitzgerald stated that in reference to the notification, if the department feel the district was in excess of the 160 square feet they will admit to that even though at the time they did not feel they were in excess. He related that the district would like this addressed so they can proceed with their portion of the year's activities.

Mr. Llewellyn commented that they are very familiar with the rules and regulations that apply to their work and they were carried out during their project.

Discussion took place regarding the debris shown in the photos and the date the photos were taken; problems even though the area was encapsulated; the rules governing cleanup; NESHAPS regulations; AHERA regulations; when the inspections were done and violations that occurred.

These issues were discussed at length and while various concerns were expressed, consensus was to go into closed session to discuss the case further.

Closed Session

Motion was made by Clark Yeager to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Rozanne King.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Britt, Ehm, King, Mohr, Priebe, Siebenmann, Yeager, and Hartsuck. Motion carried unanimously.

COMMISSION ENTERS CLOSED SESSION

Motion was made by William Ehm to adjourn closed session and return to regular session. Seconded by NancyLee Siebenmann. Motion carried unanimously.

COMMISSION RETURNS TO REGULAR SESSION

Chairperson Hartsuck announced that no action was taken in closed session.

Motion was made by William Ehm for referral of Waterloo Community School District, Advanced Technologies Corporation, American Asbestos Training Center, Ltd., and Economy Solar Corp. on this issue as well as the First United Methodist Church in Ft. Madison. He asked that these referrals go to the Attorney General with no specific recommendations on penalties. Seconded by Nancylee Siebenmann. Motion carried unanimously.

REFERRED ALL FOUR ENTITIES

Giese Construction Company

Mr. Murphy stated that Giese Construction has been operating a limestone quarry in Humboldt County for which they had an NPDES permit authorizing dewatering of the quarry, limestone washing, and discharge from that point source with appropriate limitations on the quality of the discharge. As of October 1992, this type of operation was covered under the new Storm Water Permit program. He stated that in March 1993, the department investigated a complaint of unauthorized floodplain construction and they documented construction of a levee system. He noted that a floodplain permit is required for this type of activity and none had been obtained. Additionally, the company was directed to cease the activity and obtain the necessary permits. Mr. Murphy indicated that an incomplete permit application was filed at that time. In December 1993, the department investigated complaints of stream pollution at the East fork of the Des Moines River and found it led to the Geise quarry operation. A portion of the pollution was caused from the point source discharge flowing into a limestone pile and becoming polluted prior to entering a tributary to the river. Also, the department observed evidence that earlier precipitation runoff had carried limestone solids into the tributary. The company had not filed the necessary documents or developed a pollution prevention plan to be covered under the Storm Water Permit program. Mr. Murphy stated that the department noted that a substantial additional levee construction had occurred and the company had not applied for or obtained a permit for this construction. He related that the floodplain construction in itself warrants referral to the Attorney General. Also, the water pollution problems should be included in referral. Mr. Murphy stated the department has taken numerous administrative or court actions involving this company covering nearly every regulatory program conducted by the department. He added that this history should be considered in determining the resolution of this matter.

Appointment - William Geise (Geise Construction referral)

William Geise, President of Geise Construction Company, addressed the Commission stating that in response to the residue that is built up along the ditches in the main quarry, the company is guilty of some things but they were also impacted by 37 days of continuous flooding. He related that at times the water through the quarry was as high as 17 feet in depth. He noted that they had commitments to supply aggregate to highway projects so they worked vigourously to overcome the impacts of the flood, and as a result there is some limestone buildup along the sides of the discharge ditch. He added that there is also some limestone on the neighbor's land which came out of the quarry stockpiles and the company is still in the process of cleaning it up. Mr. Geise stated that the Cease and Desist Order has been complied with and they did not do any

stripping in the quarry since they received the Order. He indicated that with the cleanup they are doing they pushed some of the mud and residue up to the sides of the quarry and the DNR said it created a dike. He related that the COE said they couldn't go any further because they are encroaching on a land classified as a wetland. Because of that there was no place to put the material except into a dike around the quarry. Mr. Geise stated that he does not intentionally violate the rules.

Nancylee Siebenmann asked Mr. Geise what his reasons were for not submitting revised plans for relocation of the levee.

Mr. Geise stated that Schlotfield Engineering of Fort Dodge has submitted plans for him.

Mr. Murphy stated that, due to the floods, extension of time was given to the engineer to get information in on the levee, but that doesn't excuse building it higher or adding on to it. He related that it is clear that Mr. Geise added to the levee after he was told to stop and get a permit. He added that the plans have recently been received.

Clark Yeager asked if this is going to work with the department and the COE so that Mr. Geise will be able to continue operation.

Mr. Murphy stated that the department is not too involved with what the COE does but he understands that Mr. Geise does have to work around an area that the COE is concerned about. He noted that the prior operators presented a plan of operation that would have been away from the flood plain and would not have required a permit from the department, so staff feel it is entirely possible to work within the confines of the law at this location.

Motion was made by William Ehm for referral to the Attorney General's Office.

Nancylee Siebenmann asked if it was satisfactory compliance with the Orders when the plans were resubmitted.

Mr. Murphy stated that the company was ordered to cease construction and submit an application in March 1993. An incomplete application was subsequently submitted and flooding caused some delays in their engineer being able to obtain some of the needed information to resubmit it. He noted that in December, the department inspected and found that they had done more work and it was after that that they completed an application. Staff then notified the company that the plans were adequate except that they needed to move the levee back, and the department just recently received revised plans.

Mr. Geise stated that the reason the plan was incomplete was because the engineering firm could not do the required river survey due to the flooding.

Mr. Murphy responded that he agrees to a point but the rains stopped and they did not get the revised application in until December

Commissioner Ehm's motion for referral failed for lack of a second.

MOTION FAILED

Gary Priebe stated that he has empathy for anyone who put up with the floods last summer.

Motion was made by Gary Priebe to table the referral for 60 days to give Mr. Geise a chance to get everything in order and if he is not in compliance at the end of 60 days the case will be referred. Seconded by Nancylee Siebenmann. Motion carried unanimously.

TABLED FOR 60 DAYS

Farmers Hybrid Companies, Inc.

Mr. Murphy stated that this company operates a number of hog confinement feeding operations in Iowa. This case involves an incident at a facility in Hamilton County in December 1993, in which animal waste ran off into a tributary to, and then into, the Boone River. He related that the runoff was caused by excessive application of the waste to agricultural land. It was also learned that the operation had constructed an earthen waste storage lagoon four to five years earlier and had not obtained a construction permit as required. Previous Administrative Orders have been issued to the company waste runoff violations at one of their operations in Keokuk County.

Appointment - Bruce Beckwith (Farmers Hybrid Co. referral)

Bruce Beckwith, President of Farmers Hybrid Company, stated that his company was spreading manure at the Hamilton County facility last fall on a large, flat field quite a ways from the Boone River. He related that there was an accident in the application process and approximately 20,000 gallons were discharged on top of the field in one area. It then ran into a ravine and down a hill into the river, but there was no fish kill. He related that they have always tried to apply the manure in a responsible manner, and in 50 years of operation they have had only two problems. Mr. Beckwith stated that they purchased the company from Monsanto and he does not have records for all of the facilities because Monsanto took the majority of the records with them. He noted that it was an accidental spill and they have now changed the way they apply manure and have purchased \$50,000 worth of new equipment to avoid this type of problem in the future. Mr. Beckwith stated that in regard to construction of the storage lagoon everything was done except filing for a permit because they were told by the county engineer that it did not require one. He added that they hired an engineer in May 1993 to obtain a permit and the engineer has not completed the necessary work to get it done.

Brief discussion followed regarding previous ownership and purchase of the company.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Richard Hartsuck.

Following a brief discussion, Nancylee Siebenmann commented that considering everything the company has done to get this remediated she would prefer that staff levy an Administrative Penalty rather than referral.

Motion failed unanimously.

MOTION FAILED

Motion was made by Clark Yeager for staff to handle this case administratively. Seconded by Nancylee Siebenmann. Motion carried unanimously.

MOTION CARRIED UNANIMOUSLY

CASE TO BE HANDLED ADMINISTRATIVELY BY STAFF

Don Carlson, d/b/a Carlson Oil Co.

Mr. Murphy briefed the Commission on the history of this case involving an underground tank site cleanup and payment of a penalty.

Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

REFERRED

Louis Saak, d/b/a Saak Oil Co.

Mr. Murphy briefed the Commission on the history of this case also involving an underground tank site cleanup and payment of a penalty.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.

REFERRED

William Hatch, d/b/a R & R One Stop

Mr. Murphy stated that staff will withdraw this referral because the department received a belated but very good response and it will be handled administratively by staff.

REFERRAL WITHDRAWN

K-Service, Inc.; James, Jay and Mary Ellen Kirkendall

Mr. Murphy stated that staff will withdraw this referral because the department received a belated but very good response and it will be handled administratively by staff.

REFERRAL WITHDRAWN

NOTICE OF INTENDED ACTION--CHAPTER 72, FLOOD PLAIN DEVELOPMENT, PROTECTED STREAM VARIANCE CRITERIA

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided with a Notice of Intended Action which will propose to expand the variance criteria for protected streams and clarify that the denial of a permit for a channel change on a protected stream can be appealed to the Commission. The rule amendment was requested by the Commission at their February meeting.

Subrule 567-72.31(3) stipulates that the Department can only grant a variance to the prohibition of channel changes on protected streams if the channel change meets the criteria of 567-72.31(2)"b" and "c". These criteria allow the Department to approve a variance for a public projects where a channel change is the only reasonable and practicable alternative or where a building or other structure is being threatened by bank erosion and bank erosion control measures are not feasible or practical under the circumstances. The proposed amendment would add a third protected stream variance criterion currently found at 567-72.31(2)"d" which would allow the granting of a variance where the applicant could show that there would be no adverse effects on the public interest.

Although the Iowa Administrative Procedures Act (Ch 17A, Iowa Code) and 567-70.6 clearly provide that a decision on a variance request can be appealed, the proposed amendment would also add language to 567-72.31(3) stating that the Department's decision on a variance request relative to a channel change on a protected stream can be appealed.

Mr. Stokes informed the Commission that in response to a request from the Administrative Rules Review Committee to hold public hearings in the five Congressional districts, the department has scheduled hearings on the following dates: April 18 - Opera House in Elkader;

April 19 - Algona Public Library; April 20 - Ottumwa Public Library; April 21 - Iowa City Public Library; and April 25 - ISU Extension Service Offices in Des Moines. All five of the hearings will be held at 7:00 p.m. He related that the Notice of Hearings will be published for two consecutive weeks in each of 100 separate newspapers. The notices will be published the week of the March 28 - April 4, and again the week of April 4. Mr. Stokes further advised that news releases will be distributed to the local media 10 days before the hearing. Staff are developing a question and answer fact sheet covering the most frequently asked questions and misconceptions about the rule. The fact sheets along with the individual notices will be mailed to all state senators and representatives, cities, counties, and regional planning agencies who were sent the original Notice of Intended Action on these rules. Other interest groups such as Farm Bureau, Sierra Club, Cattlemen's Association, Pork Producers, etc., as well as all previous commenters will also receive the mailing. Mr. Stokes stated that in conducting the hearing staff will explain the protected stream designation, what it does and does not do, cover the question and answer sheet, and explain the rulemaking process and current status of the rules. He noted that if the Commission approves the Notice of Intended Action today, staff will do a separate Notice and on it and will hold one public hearing on the rule. Mr. Stokes distributed copies of proposed language that would add Item (d) to the variances. This would allow staff to grant variances to allow channel changes in cases where the applicant can clearly show that there are no adverse effects on the public interest. It expands and clarifies the appeal procedures. Proposed language to include Item (d) is as follows:

ITEM 1. Amend subrule 72.31(3) as follows:

72.31(3) Protected stream channel change variance. The department may grant variances to the prohibition of channel changes on protected streams for those cases listed in 72.31(2)"b," and "c," and "d." but such variances will be with provisions for mitigation of environmental damage. The variance shall be requested as part of the permit application and review process provided for in rules 70.3 through 70.5 and decisions on the variance request may be appealed in accordance with rule 70.6. If the applicant is denied a permit to channelize a protected stream, the applicant may appeal to the Environmental Protection Commission. The appeal will normally be heard by an Administrative Law Judge but the applicant may request that the Commission hear the appeal directly. If a proposed decision of an Administrative Law Judge would affirm the denial of the permit, the applicant may appeal the Administrative Law Judge's decision to the Commission. If, on appeal, the Commission affirms the denial of the permit, the applicant may appeal to District Court.

William Ehm reported that Richard Hartsuck, Charlotte Mohr, and he met last week with Governor's Aide, Gary Steinke to try to achieve an agreement on what direction might be taken on this issue. Also in attendance was Barbara Nelson - Natural Resource Commission, Director Wilson, Al Farris - F & W Division, Senator Priebe, and Representatives Meyer, Greiner, and Eddie. He related that they discussed the proposed additional variance language but Senator Priebe requested more clarification on the appeal process. He stated that they needed to find something between the two extremes on each side of the issue. Commissioner Ehm stated that this morning Representative Meyer brought up the issue of hydrologically connected waters, and he feels the Commission should look at that because it is

very confusing to the public. He discussed hydrologically connected waters and noted that the perception of the problem has taken over as opposed to the actual problem itself.

A lengthy discussion took place regarding drainage districts, hydrologically connected waters, appeal rights, and landowner rights. Consensus of the Commission was that language should be added to clarify the issue of hydrologically connected waters and to list what the rule does not require.

Richard Hartsuck suggested adding language to the rules stating that the special protection afforded the protected streams is not to be extended by inference to waters that are hydrologically connected but not designated as protected.

It was also decided to add a "laundry list" clarifying what is not required by the rules such as "nothing in a protected stream shall be construed as to prohibit a party from allowing grazing, prohibit access for livestock watering in streams or rivers, restrict access, or to require a party to include buffer strips or a fence, etc."

Mr. Stokes indicated that type of language could be added under 72.50(1).

General discussion followed.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 72, Floodplain Development - Protected Streams Variance Criteria with the addition of Chairperson Hartsuck's suggested language and a list of what is not required by the rules. Seconded by Nancylee Siebenmann. Motion carried unanimously.

APPROVED AS AMENDED

PROPOSED RULE--CHAPTER 61, WATER QUALITY STANDARDS, NUMERIC WATER QUALITY CRITERIA

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided with a draft Notice of Intended Action which would initiate rulemaking to adopt or modify numeric water quality criteria. The NOIA would also solicit comments on any aspect of the Commission's water quality standards.

The proposed modifications or additions to the numeric water quality criteria would update the current criteria, adopted in 1990, to reflect new or revised national water quality criteria and drinking water standards established by the Environmental Protection Agency. The federal Clean Water Act requires states to periodically review their water quality standards and to make appropriate changes. The proposed additions or modifications consist of:

- Criteria for Class C (drinking water supply) waters - Numeric criteria for various parameters would be added or modified to reflect the current list of chemicals with Maximum Contaminant Levels (MCL's) established in the Commission's drinking water rules. Adopting water quality criteria consistent with established MCL's recognizes that most of the chemicals with MCL's are difficult to remove with conventional drinking water treatment processes and that the ambient concentrations of these chemicals in Class C waters must be below the established MCL's to fully support the Class C drinking water use designation.
- Criteria for aquatic life and human health - Criteria would be added for various chemicals for which the EPA has established specific numeric criteria and which are being discharged to or are present in Iowa waters. The proposed criteria is derived from the national criteria as modified for Iowa aquatic species (for aquatic life) and for an incremental cancer risk of 1 in 100,000 (human health).

The solicitation of comments on all aspects of the Commission's water quality standards is required by the Clean Water Act and EPA once every three years (i.e., triennial review). Any suggestions for modifications received during the public comment period will be evaluated and if changes are warranted, a separate rulemaking effort will be initiated to make any appropriate changes to the water quality standards.

Mr. Stokes explained the rules in detail and noted that a Notice of Intended Action will be brought for the Commission's approval next month.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 81, WATER SUPPLY SYSTEM AND WASTEWATER TREATMENT PLANTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be provided copies of the proposed rules at the March meeting. The proposed rule modifications were developed in complete agreement with the Joint Operator Certification Committee, following a three year cooperative effort. The Committee consisted of members of the Iowa Section American Water Works Association, Iowa Water Pollution Control Association, Iowa Rural Water Association, municipal water and wastewater system operators, and educators. The working group agreed that only one hearing would be required, since the rule modifications are relatively minor, and make the rules less stringent. The proposed changes include:

- Various grammar and language clarifications.
- Update references to wastewater and water operational practice manuals to show the most recent manual editions.

- Change the definition of "direct responsible charge" to separate definitions for shift operation and non-shift operation direct responsible charge. Incorporate a clarification of the duties which encompass active daily on-site operation into the definition.
 - Replace the prerequisite of supervisory experience for qualifying for Grade IV certification in favor of a requirement for "direct responsible charge" experience.
 - Add a definition for "issuing agency" to allow a professional organization authorized by the department to provide continuing education for the renewal or the upgrade of operator certification.
-

No change to the present fee structure is proposed.

Mr. Stokes explained the rules and noted that they will be brought as a Notice of Intended Action for the Commission's approval next month.

INFORMATIONAL ONLY

NOTICE OF TERMINATION--CHAPTER 22, AIR CONSTRUCTION PERMIT EXEMPTIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Rulemaking action was initiated on July 21, 1993, with the intent of modifying the air construction permit exemptions contained in Subrule 22.1(2) IAC. Numerous comments were received during the public hearing process.

A decision was made during a Commission meeting in September 1993 to establish an advisory committee concerning air construction permit issues. Considering the time frames of this rulemaking action and the intent to review construction permit issues with this committee, the Commission is asked to terminate this rulemaking action.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Termination

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Environmental Protection Commission terminates further rule-making proceedings under the provisions of Iowa Code section 17A.4(1)"b" for proposed rule making relating to Chapter 22, "Controlling Pollution," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 21, 1993 as ARC 4119A.

An industry committee will be meeting to review air construction permitting in its entirety. Any changes that might arise from those meetings should be incorporated into one rule making action.

The Commission is terminating the rule making commenced in ARC 4119A and will renote the rule to incorporate further changes and clarification under this chapter.

Date

Larry J. Wilson, Director

Mr. Stokes reviewed that the Commission earlier received proposed rules that would expand a list of permanent exemptions from construction permit requirements. The list of exemptions was sent to EPA and they have raised a number of objections to it and suggested that if the rules are adopted they will not be able to grant the department delegation under the new federal Clean Air Act. He related that a task force has been formed to review the department's construction permit process and work on development of a new set of rules.

Mr. Stokes stated that the first meeting of the task force is scheduled for March 30.

Motion was made by Clark Yeager to approve Notice of Termination--Chapter 22, Air Construction Permit Exemptions. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 108, BENEFICIAL REUSE OF FOUNDRY SAND

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve as final the attached proposed rule.

The attached rules would exempt foundry sand from regulation as a solid waste under certain specified conditions where the used foundry sand is being reused for beneficial purposes or as a raw material feed stock for other products or materials.

A public hearing was held on January 4, 1994. No oral comments were received at the hearing. One comment letter was received at the hearing and five comment letters were received by mail. A summary of the comments, a discussion of each comment, and the recommended proposed

rule change is given in the attached Responsiveness Summary. No rule changes are proposed as a result of the comments.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Final Rule

Pursuant to the authority of Iowa Code sections 17A.3(1) and 455B.304(1), the Environmental Protection Commission proposes to adopt amendments to Chapter 108, "Reuse of Solid Waste," Iowa Administrative Code.

The proposed amendments will authorize and establish criteria for the beneficial reuse of foundry sand, without the need for a permit under the department's solid waste authority.

A Notice of Intended Action was published on December 8, 1993 in the Iowa Administrative Bulletin as ARC 4488A. A public hearing was held at the Wallace Building in Des Moines on January 4, 1994. Four persons attended the hearing but no verbal comments were received. Six comment letters were received. The proposed rule has not been revised as a result of the comments received.

The following amendments are proposed:

ITEM 1. Amend rule 108.1 as follows:

567--108.1(455B) Scope. This chapter establishes the conditions under which certain solid wastes may be reused, without a solid waste permit. It does not relieve any duty to obtain other permits or comply with other rules which may apply. Solid waste which is not reused in accordance with this chapter must be disposed, processed, composted, recycled or land applied in conformance with chapters 101 to 121 of these rules. This chapter applies only to the materials listed, and not to such materials mixed with other wastes.

ITEM 2. Amend rule 108.2(455B) by adding the following definition, in alphabetical order:

"Used foundry sand" means residuals from the foundry industry which are derived from molding, core-making, and casting cleaning processes that primarily contain either individually or in combination sand, olivine or clay and which by specified leach test is acceptable for reuse.

ITEM 3. Adopt a new rule 108.4(455B), as follows:

567--108.4(455B) Used foundry sand.

108.4(1) General conditions of reuse - foundry sand.

a. A representative sample of used foundry sand shall be used for reuse classification by point of generation. A sample is to be collected from each contributing type of manufacturing process in accordance with U.S. EPA Method SW-846 and the sampling frequency schedule described in the Foundry Sand Management Plan (see IAC section 108.4(3)).

b. A representative sample of leachate extracted by RCRA TCLP (Toxic Characteristic Leaching Procedure -- referenced 40 CFR Part 261, Appendix II) analysis shall be used for classification of used foundry sand for reuse. Any used foundry sand possessing leachate

characteristics less than or equal to 90% of Federal RCRA TCLP leachate classification limits (reference 40 CFR 261.24) shall be considered acceptable for reuse.

c. A representative sample is to be evaluated for pH using U.S. EPA Method 9045. Any used foundry sand possessing a pH greater than or equal to 5.0 and less than or equal to 10.0 shall be considered acceptable for reuse.

108.4(2) Short term storage requirements.

Used foundry sand may be accumulated in an on-site or off-site storage facility, including shared facilities, without a permit in anticipation of reuse provided that the storage activity is managed in accordance with a site-specific foundry sand management plan that has been certified (approved) by an officer of the facility assuming overall site management responsibility or its designated representative.

a. Short term accumulation of used foundry sand shall be restricted only to the extent that the storage site meets or exceeds the site management restrictions listed in paragraph "b" of this subrule, and:

1. Used foundry sand cannot be stored unless the total accumulation is less than the volume needed for support of the specific reuse application(s) identified by the Plan (see subrule 108.4(3)), or in the alternative

2. The accumulation period does not exceed three years.

b. Any storage site used for temporary accumulation of used foundry sand:

1. Shall be defined by boundaries that do not extend into a wetland or within one-quarter mile of known sinkhole.

2. Shall not extend below or within five feet of normal groundwater elevations, or into any waters of the state.

3. Shall not be required to meet liner, leachate collection system or daily cover criteria.

4. Shall not be used for storage of used foundry sand if it does not meet subrule 208.4(1).

108.4(3) Used foundry sand management plan requirements.

Any foundry sand management plan developed in anticipation of short term storage and reuse of used foundry sand must include the following:

a. Identification of an individual responsible for management of the storage site in accordance with the requirements of the plan. Identification is to include:

1. Name and title.

2. Mailing address.

3. Telephone number.

b. For any storage site involving multiple users, identification of the user(s) (i.e., participating facilities) and identification of the facility assuming overall site management responsibility. For each storage site user, identification is to include:

1. Facility name.

2. Street address.

3. Mailing address.

4. Designated contact person.

5. Telephone number of designated contact person.

c. Identification of the storage site location with a scaled map or aerial photograph showing as a minimum:

1. Relevant topographical features of the site.

2. Site drainage areas, if applicable.

3. Expected grading plan for the storage pile.
4. Prohibited storage areas at the storage site.
- d. Documentation demonstrating legal entitlement to the use of the site specified for storage of used foundry sand in anticipation of beneficial reuse in accordance with these provisions and as described by the Plan.
- e. Documentation of Department of Natural Resource approval of a storm water discharge permit for the storage site, if applicable.
- f. Identification of reuse application(s) for which used foundry sands are being accumulated.
- g. Specification of a compliance assurance and sampling procedure to ensure that only used foundry sands acceptable for reuse are accumulated. Compliance assurance is to be assured through a defined sampling program requiring, as a minimum, quarterly sampling for the first year, as a baseline, followed by annual foundry sand stream sampling thereafter.
- h. Current accumulations of used foundry sand residuals may be made available for reuse and incorporated into the plan provided that representative samples are taken to ensure conformance with the standards outlined in IAC section 108.4(1).
- i. Identification of site management controls for control of:
 1. Fugitive dust.
 2. Storm water run-on, run-off, or containment.
 3. Access to site.
- j. An annual year-end summary of used foundry sand transfers into or out of the storage site, including the following:
 1. The amount, tonnage or volume, of used foundry sand deposited into or withdrawn from the storage site, the date(s) of transfer activity, and a running total of used foundry sand accumulations held at the storage site.
 2. Analytical data for any used foundry sands sampled for reuse classification acceptability.
 3. Detailed information for each reuse activity, including:
 - (a) Identification of party to whom sand was supplied.
 - (b) Identification of transporter if different from 108.4(3)a.
 - (c) The approximate tonnage or volume of used foundry sand withdrawn.
 - (d) Date transported.
 - (e) Description of beneficial reuse and its location.The annual report for any given year must be completed by March 1 of the following year. Submittal to the department of natural resources is not required although each annual report must be kept for a minimum period of five years following the year-end date, or for the period of site use plus five years. Any initial sampling data is to be kept as baseline data for the period of time the storage site is in use.
- k. Annual management certification (approval) by an officer of the facility assuming overall site management responsibility or his designated representative that any used foundry sand accumulated on-site and transported off-site for reuse are being managed in accordance with the procedures and requirements of the approved plan.

108.4(4) Beneficial uses for which no permit is required.

Used foundry sand may be used for the following beneficial purposes without a solid waste management permit in accordance with a used foundry sand management plan consistent with subrule 108.4(3) provided it is for the following beneficial purposes:

- a. Daily cover for litter and vermin control at a sanitary landfill in accordance with the sanitary landfill permit.
- b. Road ballast.
- c. Construction/architectural fill.
- d. Dike or levee construction, repair or maintenance. Prior written notification must be made by the foundry to the department. If the department does not respond within 30 days, use shall be deemed appropriate.

e. Fill base - may be used as base material substitute for roads, road shoulders, parking lots, and any other similar use.

f. Any other beneficial use upon written notification by a foundry person of the intended reuse activity. If the department does not provide written objection within 30 days the intended use is deemed appropriate.

108.4(5) Uses for which no authorization is required.

The following used foundry sand applications may be used without authorization since this form of beneficial use qualifies it as a commercial material.

a. Raw material constituent. For flowable fill (low strength concrete material), or will become concrete, asphalt and any other similar use where the used foundry sand is encapsulated while providing all or a portion of the aggregate and critical constituents necessary for production of the final product.

b. Production feedstock. For reclaim or reuse as a production material.

Date

Larry J. Wilson, Director

(A copy of the Responsiveness Summary is on file in the department's Records Center)

Mr. Stokes briefly explained the rule and comments received. He noted that one comment questioned the rule language that states you do not put foundry sand with five foot of groundwater. He related that staff will continue to investigate that and communicate further with the foundryman's group on that issue.

Motion was made by Charlotte Mohr to approve Final Rule--Chapter 108, Beneficial Reuse of Foundry Sand. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 100 AND 103, SOLID WASTE RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

In 1987 the legislature amended 455B and required rules that operators of sanitary landfills may have to install shafts to relieve the accumulation of gas in the landfill. Also, the Department has applied to EPA for authorization to administer the Federal solid waste program in Iowa commonly known as "Subtitle D". In order to obtain EPA approval of the state program, it is necessary to amend the rules to add location restrictions relating to siting new landfills or lateral expansions and to require landfill gas monitoring, as already required by 455B.

The gas monitoring criteria are to assure that the methane gas emitted from the landfill will not cause explosive conditions in structures on the landfill or off the landfill site.

The location restrictions are to assure that birds, which may be associated with landfill operation, will not cause hazards for airplanes landing at public airports and to assure that landfills located in faults areas, seismic zones, or unstable areas are designed and constructed to prevent release of contamination to the environment under all conditions.

A Public Hearing was held on December 3, 1993 at which no comments were received. Two comment letters were received by mail. A summary of the comments, a discussion of each comment, and the recommended rule change is given in the attached Responsiveness Summary. As the result of the comments, the proposed rule was revised to require that the demonstrations regarding facility location be prepared and a notice that the demonstration has been prepared be submitted with the plan instead of the demonstration being submitted to the Department in the report for review. A staff comment resulted in the deletion of "small quantity generator waste" from the definition of municipal solid waste landfill.

ENVIRONMENTAL PROTECTION COMMISSION(567)

Final Rule

Pursuant to Iowa Code 455B.304, the Environmental Protection Commission proposes to adopt amendments to Chapter 100 "Scope of Title-Definitions-Forms-Rules of Practice" and Chapter 103 "Sanitary Landfills".

In 1987, the Iowa Legislature amended Chapter 455B and required that operators of sanitary disposal projects may have to install shafts to relieve the accumulation of gas from a sanitary disposal project. Also, the Department desires to obtain EPA approval of the Iowa Solid Waste Management Program. In order to obtain approval, it is necessary to amend the existing rules to include location restrictions related to airports, fault areas, seismic zones, and unstable areas; and gas monitoring. As a result of Iowa Code 455B.306 and the desire to obtain EPA approval, Chapter 567-100 must be amended to include a definition of a sanitary landfill and a lower explosive limit, and definitions related to airport safety, fault areas, seismic impact zones, and unstable areas; and gas monitoring. As a result of Iowa Code section 455B.306 and the desire to

obtain EPA approval, Chapter 100 must be amended to include a definition of sanitary landfill and a lower explosive limit, and definitions related to airport safety, fault areas, seismic impact zones, and unstable areas. Chapter 103 must be amended to require owners and operators of sanitary landfills to monitor sanitary landfills for explosive gases, to implement remediation if the gas concentrations exceed stated levels, and to demonstrate that proposed new landfills or lateral expansions to existing landfills comply with location restrictions.

A Notice of Intended Action was published on November 10, 1993 in the Iowa Administrative Bulletin as ARC 4430A. A public hearing was held on December 3, 1993 in Des Moines. No verbal comments were received at the hearing but two comment letters were received by mail. As a result of the comments, the proposed subrules will be part of the plan requirements under 103.2(1) instead of the report requirements under 103.2(1)m and the language will be revised to require that a notice be submitted with the plan and that a demonstration showing that engineering measures have been incorporated into the design will be placed in the facility's official files when established. This revises the language which required that the demonstration be prepared and submitted to the Department with the report.

The following amendments are proposed:

Item 1. Amend rule 567-100.2 (455B,455D) by adding the following new definitions in alphabetical order:

"Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

"Areas susceptible to mass movement" means those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the MSWLF site, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil function, block sliding, and rockfall.

"Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

"Displacement" means the relative movement of any two sides of a fault measured in any direction.

"Fault" means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

"Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present.

"Karst terranes" means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terranes include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles or older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

"Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25 degrees Celsius and atmospheric pressure.

"Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the ~~maximum expected horizontal acceleration based on a site-specific seismic risk~~ assessment.

"Municipal Solid Waste Landfill, (MSWLF)" means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or waste pile, as those terms are defined under 40 Code of Federal Regulations part 257.2. A MSWLF also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous dry sludge, and industrial solid waste. A MSWLF may be publicly or privately owned. A MSWLF may be a new MSWLF site, an existing MSWLF site, or a lateral expansion.

"Poor foundation conditions" means those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of an MSWLF site.

"Seismic impact zone" means an area with a ten percent or greater probability that the maximum horizontal acceleration in the lithified earth material, expressed as a percentage of the earth's gravitational pull, will exceed 0.10g in 250 years.

"Structural components" means liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the MSWLF that is necessary for protection of human health and the environment.

"Unstable area" means a location that is susceptible to natural or human-induced events of forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can

include poor foundation conditions, areas susceptible to mass movements, and Karst terranes.

Item 2. Amend subrule 103.2(1) by adding the following new paragraph:

r. When a new landfill or lateral expansion is located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 of any airport runway end used by only piston-type aircraft, the plan must contain a notice that a demonstration showing that the site is designed and will be operated so that it does not pose a bird hazard to aircraft will be placed in the facility's official files when the file is established. For any new site or a lateral expansion within a five mile radius of any airport runway used for turbojet or piston-type aircraft, the plan must show that the Federal Aviation Administration has been notified. For existing landfills located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5000 feet of any runway end used by only piston-type aircraft, the owner or operator must prepare the demonstration required above in this subparagraph and notify the director that it has been placed in the facility's official files.

s. When a new landfill or lateral expansion is located within 200 feet of a fault that has had displacement in holocene time, the plan must contain a notice that a demonstration, showing that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the site and will be protective of human health and the environment, has been prepared and will be placed in the facility's official file when the file is established.

t. When a new landfill or a lateral expansion is located in seismic impact zones, the plan must contain a notice that a demonstration, showing that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in the lithified earth material for the site, has been prepared and will be placed in the facility's official files when the file is established.

u. When a new facility or lateral expansion is located in an unstable area, the plan must contain a notice that a demonstration, showing that engineering measures have been incorporated into the site design to ensure that the integrity of the structural components of the site will not be disrupted, has been prepared and will be placed in the facility's official file when the file is established. The demonstration must consider the on-site or local soil conditions that may result in significant differential settling, on-site or local geologic or geomorphologic features, and on-site or local human-made features or events (both surface and subsurface). For existing facilities located in an unstable area, the owner or operator must prepare the above demonstration required in this subparagraph and notify the director that it has been placed in the facility's official files.

Item 3. Amend 567--103.2(455B) by adding a new subrule as follows:

103.2(15) Explosive Gases Control.

a. Owners or operators of all sanitary landfills must ensure that:

(1) The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components): and

(2) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

b. Owners or operators of all sanitary landfills must monitor quarterly for compliance with paragraph "a" of this section. An annual report by November 30 summarizing the methane gas monitoring results and any action taken resulting from gas levels exceeding the limits during the previous year.

c. If methane gas levels exceeding the limits specified in paragraph "a" of this section are detected, the owner or operator must:

(1) Immediately take all necessary steps to ensure protection of human health and notify the director;

(2) Within seven days after detection submit to the director a report stating the methane gas levels detected and a description of the steps taken to protect human health;

(3) Within 60 days of detection, implement a plan for remediation of the methane gas releases and send a copy of the remediation plan to the director. The plan shall describe the nature and extent of the problem and the proposed remedy.

(A copy of the responsiveness summary is on file in the department's Records Center)

Mr. Stokes briefly reviewed the rules.

Motion was made by Rozanne King to approve Final Rule--Chapter 100 and 103, Solid Waste Rules. Seconded by Clark Yeager.

Nancylee Siebenmann expressed concern with language on page 3, under 103.2(1)r, noting that it is a run-on sentence and clarification is needed.

Mr. Stokes stated that staff will make editorial changes to make it more readable.

Vote on Commissioner King's motion carried unanimously.

APPROVED WITH MINOR EDITORIAL CORRECTION

NOTICE OF INTENDED ACTION--CHAPTER 22, CONTROLLING POLLUTION - VOLUNTARY AIR OPERATING PERMIT RULES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a copy of the Notice of Intended Action which proposes to add rules providing sources the option of obtaining voluntary air operating permits.

Sources otherwise required to obtain a Title V Operating Permit are eligible for this permit if their potential to emit is less than 100 tons per year.

The Commission is asked to approve the Notice of Intended Action.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

These amendments would establish a voluntary operating permit program. This action is taken to provide an alternative to the Title V operating permit program for small sources able to qualify under these rules. Sources will be eligible for voluntary operating permits after demonstrating that the potential to emit of each regulated pollutant shall be limited to less than 100 tons per 12-month rolling period; that the actual emissions of each regulated pollutant, including fugitive emissions, has been and is predicted to be less than 100 tons per 12-month rolling period; and that the potential to emit of each regulated hazardous air pollutant shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants shall be less than 25 tons per 12-month rolling period. The proposed rules include provisions for eligibility requirements, permit application contents, action on applications, permit contents, and relation to construction permits.

Any interested person may make written suggestions or comments on the proposed rules on or before _____. Written comments should be directed to Christine Spackman, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa.

A public hearing will be held on _____ at _____ in _____, at which time comments may be submitted orally or in writing.

These rules are intended to implement Iowa Code section 455B.133. These rules may impact small businesses.

The following rules are proposed.

567--22.200(455B) Definitions for voluntary operating permits. For the purposes of rules 22.200(455B) to 22.207(455B) shall be the same as the definitions found at rule 22.100(455B).

567--22.201(455B) Eligibility for voluntary operating permits. Any person who owns or operates a major source otherwise required to obtain a Title V operating permit may instead obtain a voluntary operating permit following successful demonstration of the following:

22.201(1) That the potential to emit of each regulated pollutant shall be limited to less than 100 tons per 12-month rolling period;

22.201(2) That the actual emissions of each regulated pollutant, including fugitive emissions, has been and is predicted to be less than 100 tons per 12-month rolling period; and

22.201(3) That the potential to emit of each regulated hazardous air pollutant shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants shall be less than 25 tons per 12-month rolling period.

22.201(4) That the actual emissions of each regulated hazardous air pollutant, including fugitives, has been and is predicted to be less than 10 tons per 12-month rolling period and the actual emissions of all regulated hazardous air pollutants has been and is predicted to be less than 25 tons per 12-month rolling period.

567--22.202(455B) Requirement to have a Title V permit. No source may operate after the time that it is required to submit a timely and complete application for an operating permit, except in compliance with a properly issued Title V operating permit or a properly issued voluntary operating permit. However, if a source submits a timely and complete application for a voluntary operating permit (or for renewal of a voluntary operating permit), then the source's failure to have a permit is not a violation of this chapter until the director takes final action on the permit application, except as noted in this rule.

This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the director, any additional information identified as needed to process the application.

567--22.203(455B) Voluntary Operating Permit Applications.

22.203(1) Duty to apply. Any source which would qualify for a voluntary operating permit must apply for either a voluntary operating permit or a Title V operating permit. Any source determined not to be eligible for a voluntary operating permit shall be subject to enforcement action for operation without a Title V operating permit. For each source applying for a voluntary operating permit, the owner or operator or designated representative, where applicable, shall present or mail to the Air Quality Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, IA 50319-0034, at least two copies of a timely and complete permit application in accordance with this rule.

a. Timely application. Each source applying for a voluntary operating permit shall submit an application:

(1) By November 15, 1994, if the source is applying for an operating permit for the first time;

(2) At least 6 months but not more than 12 months prior to the date of expiration if the application is for renewal;

(3) within 12 months of becoming subject to this rule for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date of this rule.

b. Complete application. To be deemed complete, an application must provide all information required pursuant to subrule 22.203(2).

c. Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to the issuance of a permit. Applicants who have filed a complete application shall have 30 days following notification by the department to file any amendments to the application.

d. Certification of truth, accuracy, and completeness. Any application form, report, or compliance certification submitted pursuant to these rules shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

~~22.203(2) Standard application form and required information. To apply for a voluntary~~ operating permit, applicants shall complete the "Voluntary Operating Permit Application Form" and supply all information required by the "Filing Instructions." The information submitted must be sufficient to evaluate the source, its application, predicted actual emissions from the source, and the potential to emit of the source; and to determine all applicable requirements. The applicant shall submit the information called for by the application form for all emissions units, including those having insignificant activities according to the provisions of rule 22.103. The standard application form and any attachments shall require that the following information be provided:

a. Identifying information, including company name and address (or plant or source name if different from the company name), owner's name and agent, and telephone number and names of plant site manager or contact;

b. A description of source processes and products (by two-digit Standard Industrial Classification Code);

c. The following emissions-related information shall be submitted to the department on the emissions inventory portion of the application:

(1) All emissions of any regulated air pollutants from all emissions units and information sufficient to determine which requirements are applicable to the source;

(2) Emissions in tons per year and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method, if any;

(3) The following information to the extent it is needed to determine or regulate emissions, including toxic emissions: fuels, fuel use, raw materials, production rates and operating schedules;

(4) Identification and description of air pollution control equipment;

(5) Identification and description of compliance monitoring devices or activities;

(6) Limitations on source operations affecting emissions or any work practice standards, where applicable, for all regulated pollutants;

(7) Other information required by any applicable requirement; and

(8) Calculations on which the information in items (1) through (7) above is based.

d. The following air pollution control requirements:

(1) Citation and description of all applicable requirements; and

(2) A description of or reference to any applicable test methods used for determining compliance with each applicable requirement.

e. Requested permit conditions sufficient to limit the operation of the source according to the requirements of rule 22.201.

f. A compliance status summary containing:

(1) A statement that all emissions units at the facility are presently in compliance with all applicable requirements; and

(2) A statement that the source will maintain its present compliance status.

g. Requirements for compliance certification including the following:

(1) Certification of compliance for the prior year with all applicable requirements certified by a responsible official consistent with subrule 22(207); and

(2) A statement of methods for determining compliance.

~~567--22.204(455B) Voluntary operating permit fees.~~ Each source in compliance with a current voluntary operating permit shall be exempt from Title V operating permit fees.

567--22.205(455B) Voluntary operating permit processing procedures.

22.205(1) Action on Application.

a. Completeness of applications. The department shall promptly provide notice to the applicant of whether the application is complete. Unless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. If, while processing an application that has been determined to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, the permitting authority may request in writing such information and set a reasonable deadline for a response.

b. Public Notice and Public Participation.

(1) The department shall provide public notice and an opportunity for public comment, including an opportunity for a hearing, before issuing or renewing a permit.

(2) Notice of the intended issuance or renewal of a permit shall be given by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public notice. The department may use other means if necessary to ensure adequate notice to the affected public.

(3) The public notice shall include: identification of the source; name and address of the permittee; the activity or activities involved in the permit action; the air pollutants or contaminants to be emitted; a statement that a public hearing may be requested, or the time and place of any public hearing which has been set; the name, address, and telephone number of a department representative who may be contacted for further information; and the location of copies of the permit application and the proposed permit which are available for public inspection.

(4) At least 30 days shall be provided for public comment.

22.205(2) Denial of voluntary operating permit applications.

a. A voluntary operating permit application may be denied if:

(1) The director finds that a source is not in compliance with any applicable requirement; or

(2) An applicant knowingly submits false information in a permit application.

b. Once agency action has occurred denying a voluntary operating permit, the source shall apply for a Title V operating permit. Any source determined not to be eligible for a voluntary operating permit shall be subject to enforcement action for operating without a Title V operating permit.

567--22.206(455B) Permit content. Each voluntary operating permit shall include all of the following provisions:

22.206(1) The terms and conditions required for all sources authorized to operate under the permit;

22.206(2) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of the permit issuance;

22.206(3) A Certification of Compliance for each emissions unit;

22.206(4) Monitoring, recordkeeping, and reporting requirements to assure compliance with the terms and conditions of the permit. ~~These requirements shall assure the use of consistent terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable emissions limitations, standards, and other requirements contained in the permit;~~

22.206(5) The requirement to submit the results of any required monitoring at intervals to be specified in the permit;

22.206(6) References to the authority for the term or condition;

22.206(7) A provision specifying permit duration as a fixed term not to exceed five years;

22.206(8) A statement that the voluntary operating permit is to be kept at the site of the source as well as at the corporate offices of the source;

22.206(9) A statement that the permittee must comply with all conditions of the voluntary operating permit and that any permit noncompliance is grounds for enforcement action, for a permit termination or revocation, and for an immediate requirement to obtain a Title V operating permit;

22.206(10) A statement that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;

22.206(11) A statement that the permit may be revoked or terminated for cause;

22.206(12) A statement that the permit does not convey any property rights of any sort, or any exclusive privilege;

22.206(13) A statement that the permittee shall furnish to the director, within a reasonable time, any information that the director may request in writing to determine whether cause exists for revoking or terminating the permit or to determine compliance with the permit; and that, upon request, the permittee also shall furnish to the director copies of records required by the permit to be kept.

567--22.207(455B) Relation to construction permits.

22.207(1) Previously issued construction permits. The conditions of a voluntary operation permit shall supersede the conditions of any previously issued construction permits where those conditions conflict.

22.207(2) Construction permits issued after the voluntary operating permit is issued. The conditions of construction permits issued during the term of a voluntary operating permit shall supersede the conditions of the voluntary operating permit. However, if the issuance of a construction permit acts to make the source no longer eligible for a voluntary operating permit, then the source shall be required to immediately apply for a Title V Operating permit and shall be subject to enforcement action for operating without a Title V Operating Permit.

22.207(3) Relation of construction permits to voluntary operating permit renewal. At the time of renewal of a voluntary operating permit, the conditions of construction permits issued during the term of the voluntary operating permit shall be incorporated into the voluntary operating permit. Each application for renewal of a voluntary operating permit shall include a list of construction permits issued during the term of the voluntary operating permit and shall state the effect of each of these construction permits on the conditions of the voluntary operating permit. Applications for renewal shall be accompanied by copies of all construction permits issued during the term of the voluntary operating permit.

Mr. Stokes explained the rules in detail.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 22, Voluntary Operating Permits. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

GENERAL DISCUSSION

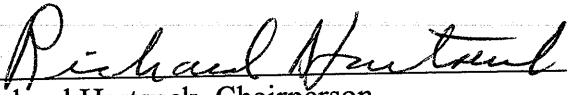
Iowa Newspaper Association Report

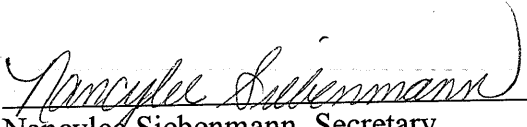
Nancylee Siebenmann reported on statistics sent by the Iowa Newspaper Association regarding the increase in recycled content in newsprint.

Protected Streams

Chairperson Hartsuck discussed the protected streams issue in regard to the uproar it would create if the Commission completely rescinded protection of the streams. He noted that he feels the majority of people in Iowa would support stream protection because you only hear from those who object to the issue when public meetings are held.

Discussion followed in regard to working with outside groups on rules and the dates of the public meetings.


Richard Hartsuck, Chairperson


Nancy Lee Siebenmann, Secretary

Legal Counsel for Commission

Rozanne King commented that it was suggested to her, by Amy Couch, that perhaps the Commission should have outside legal counsel when going into closed session. She added that with Mike Murphy in attendance he is representing one side and is in on the discussion, whereby the attorney from the opposition is not present. Commissioner King implied that perhaps the Commission should have someone who has not argued the case be with them for legal counsel.

Charlotte Mohr stated that the Commission has used the department's legal staff for years and there have never been any problems.

Mr. Murphy stated that he is not aware of any problems with it and that there are other boards who handle these matters in the same way.

Nancylee Siebenmann stated that Mike knows what penalties are being proposed and the other counsel does not, and it seems that he needs to hear the Commission's concerns and explain why the specific penalty is proposed.

William Ehm commented that in looking at appearances there are other times that the Commission could probably be found suspect, such as when they go to lunch together.

Commissioner King stated that she wanted to make the Commission aware of this.

NEXT MEETING DATES

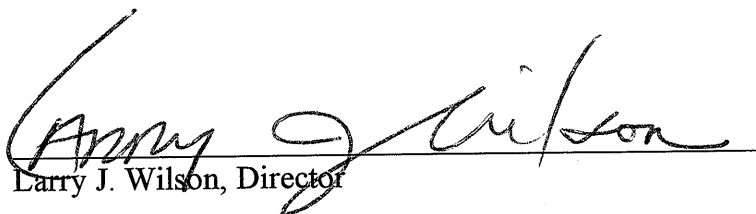
April 18, 1994

May 16, 1994

June 20, 1994

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 5:30 p.m., Monday, March 21, 1994.



Larry J. Wilson, Director

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